

EXAMINING THE LEGAL ASPECTS OF ATHLETE CONTRACTS, INCLUDING RIGHTS AND OBLIGATIONS OF ATHLETES, CONTRACTUAL DISPUTES AND THE ROLE OF AGENTS IN UGANDA

BY

BRIGHT DIOCRES MUTALEMWA

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DECLARATION

I Bright Diocres Mutalemwa declare that this dissertation is my original work and has never been submitted for any award of a Bachelor's degree of Law (LLB) in any University or institution of higher learning.

Signature.....

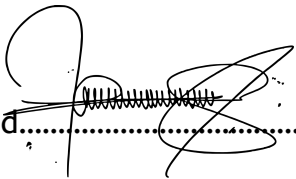
Date.....

BRIGHT DIOCRES MUTALEMWA

AS20B11/004

APPROVAL

This dissertation under the topic; “examining the legal aspects of athlete contracts, including rights and obligations of athletes, contractual disputes and the role of agents in Uganda” has been under my supervision and now ready for submission to Uganda Christian University.

Signed.....


Date..... 11th May 2024

MR. LASTONE GULUME

(Supervisor)

DEDICATION

I dedicate this piece of work to my parents Diocres Apolonary Mutalemwa and Haika Mutalemwa who have always been committed to helping me succeed in all my endeavors. May the good LORD bless them beyond measure.

“The price of success is hard, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.”

—Vince Lombardi

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“Those who are truly grateful are deeply moved by the privilege of living.”

– **Auliq-Ice**

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ABSTRACT

This study aimed at examining the legal aspects of athlete contracts, including rights and obligations of athletes, contractual disputes and the role of agents in Uganda. It specifically aimed at; identifying the legal rights and obligations of athletes outlined in athlete contracts within the framework of Ugandan sports law, critiquing the effectiveness of current mechanisms for resolving contractual disputes between athletes, sports organizations, and agents in Uganda, highlighting areas for improvement and recommending policy measures and legal reforms aimed at enhancing the protection of athletes' rights, improving transparency in contract negotiations, and strengthening the regulation of agents within the Ugandan sports industry. Furthermore, the study was carried out using secondary source review of various statutes, articles, cases and journals about the topic under study.

From the study findings, it was revealed that while athlete contracts offer a framework for protecting athletes, challenges persist in ensuring their effectiveness. Power imbalances, lack of legal support, and cultural factors leave athletes vulnerable. Developed nations have established legal frameworks, while regions like the EU show the need for continuous adaptation. Developing countries like Uganda face resource constraints and limited enforcement capabilities. To address these issues, a multi-pronged approach is necessary: strengthening legal frameworks, raising athlete awareness, addressing power imbalances during negotiations, and fostering a culture that prioritizes fair treatment and empowers athletes to seek legal recourse.

Finally, the study recommended that to strengthen athlete protections in Uganda, legal frameworks require improvement. Revising existing legislation and enacting a dedicated Sports Law are crucial steps. It was also recommended that the National Council of Sports needs adequate resources to enforce these laws effectively. Empowering athletes involves educational programs, legal aid mechanisms, and promoting independent representation during contract negotiations. It was further recommended that standardized contract templates and a culture that prioritizes fair treatment are essential to mitigate power imbalances and foster a more equitable

sporting environment. Finally, it was recommended that collaboration among stakeholders is key to driving positive change and ensuring athlete rights are upheld.

CHAPTER ONE

GENERAL BACKGROUND

1.0 Introduction

“A contract is defined under section 10(1) of the Contracts Act to mean an agreement made with the free consent of parties with capacity to contract, for a lawful consideration and with a lawful objective, with the intention to be legally bound”¹. The legal landscape surrounding athlete contracts in Uganda, as governed by The National Sports Act (2023), Contract Act, 2010, The Employment Act, 2006 presents a multifaceted terrain warranting comprehensive examination. This study delves into the intricate web of rights and obligations defined within athlete contracts, exploring the distinct dynamics of contractual disputes and the pivotal role of agents within the Ugandan sporting framework. Against the backdrop of a burgeoning sports industry, understanding the legal dimensions of athlete contracts is paramount to ensuring fairness, transparency, and the protection of stakeholders’ interests. By scrutinizing the legal aspects of athlete contracts, this research aims to contribute valuable insights to the evolving landscape of sports law in Uganda, fostering a conducive environment for the growth and development of athletics while safeguarding the rights and welfare of athletes and other key actors.

1.1 Background of the study

The professional sports industry has undergone a phenomenal rise in recent decades, generating significant revenue and captivating audiences worldwide. This growth has placed a growing emphasis on the legal frameworks governing athlete contracts, which define the rights and obligations of athletes and teams². These contracts play a crucial role in ensuring fairness, protecting athletes' well-being, and fostering a healthy sporting environment. Athlete contracts typically encompass a range of aspects, including compensation and benefits (salaries, bonuses, performance

¹ Contracts Act , 2010, section 10(1)

²Masteralexis, Lisa Pike. "The law of agency and athlete agents." *Sport Law*. Routledge, (2020). 197-225.

incentives, and healthcare provisions), term and termination (contract duration and clauses outlining potential termination scenarios), intellectual property rights (image rights, use of likeness for marketing purposes), training and conduct (expectations regarding training regimens, code of conduct, and anti-doping regulations), and dispute resolution (mechanisms for addressing disagreements arising from the contract)³. The legal complexities of athlete contracts can vary depending on the specific sport, league regulations, and national jurisdiction. Understanding these nuances is critical for athletes, teams, and agents navigating the professional sports landscape.

Across the globe, athlete contracts are subject to national laws and regulations, often supplemented by specific sports league rules and regulations. For example, The United States operates under a “free market” system, with limited government intervention in athlete contracts. Major sports leagues, like the National Football League (NFL) and National Basketball Association (NBA), have established collective bargaining agreements (CBAs) that outline key contract terms for players. These CBAs address issues like minimum salary, draft rules, and free agency⁴. In contrast, European countries generally have stricter regulations governing athlete contracts compared to the USA. The European Union (EU) Bosman ruling in 1995 granted free movement of labor for professional athletes within the EU, impacting transfer fees and contract durations. Additionally, many European countries have minimum wage requirements for professional athletes. The legal frameworks for athlete contracts in Asia are diverse⁵. Countries like Japan have established athlete unions that negotiate collective bargaining agreements with sports leagues. In contrast, China’s sports landscape is tightly controlled by the government, with significant influence over athlete contracts⁶.

³ Bull, William, and Michael Faure. "Agents in the sporting field: a law and economics perspective." *The International Sports Law Journal* 22.1 (2022): 17-32.

⁴ Spengler, John O., et al. *Introduction to sport law with case studies in sport law*. (Human Kinetics, 2022).

⁵ Bull, William, and Michael Faure. "Agents in the sporting field: a law and economics perspective." *The International Sports Law Journal* 22.1 (2022): 17-32.

⁶ Nafziger, James. "International sports law." *International Sports Law, 2d ed.*. Brill Nijhoff, (2021).

The development of athlete contract regulations in Africa is at a nascent stage compared to more established sporting regions. However, there are growing efforts to establish more robust legal frameworks. South Africa boasts one of the most developed sports legal systems in Africa⁷. The country's Basic Conditions of Employment Act (BCEA) applies to professional athletes, safeguarding their basic employment rights. Additionally, national federations often have their own regulations governing athlete contracts. Kenya's sports sector is experiencing significant growth, leading to a heightened focus on athlete contracts⁸. However, a lack of standardized regulations and a fragmented legal landscape pose challenges. The Anti-Doping Agency of Kenya (ADAK) has implemented regulations addressing athlete representation and potential conflicts of interest. Nigeria's professional sports sector is also evolving, but clear regulations regarding athlete contracts are lacking. The Nigeria Football Federation (NFF) has implemented transfer regulations to govern player movement between clubs⁹.

Uganda's sports sector is experiencing significant growth, particularly in football. However, the legal environment surrounding athlete contracts remains underdeveloped. The National Sports Act of 1964, which previously governed sports in Uganda, lacked specific provisions addressing athlete contracts. **The recently enacted National Sports Act, 2023**, offers a more promising outlook. While the Act does not delve deeply into athlete contracts, National Sports act 2023 responsible for managing sports activities in Uganda. This Act has the potential to develop regulations or guidelines specific to athlete contracts, promoting fairer and more transparent agreements between athletes and teams¹⁰.

The absence of a well-defined legal framework for athlete contracts in Uganda can leave athletes vulnerable to exploitation. A comprehensive legal framework is crucial

⁷ Moeletsi, Donald Tshepiso Molefe. *Athlete-agent agency in the South African Sport Industry*. Diss. University of Johannesburg (South Africa), (2019).

⁸ Majani, Felix. *Sports Law in Kenya*. Kluwer Law International BV, (2022).

⁹ Olowononi, Emmanuel Oluwafemi. "Teaching Sports Law and the Future of Sports Industry in Africa." *IJOLACLE* 3 (2022): 19.

¹⁰ Li, Yanli, and Emmanuel Sebata. "Historical Review of Professional Football Migration Trends from Uganda in the Era of Liberalized Sport Labour Migration, 1964-2022." *The International Journal of the History of Sport* 40.12 (2023): 1069-1089.

for protecting athletes' rights, fostering responsible conduct from teams and agents, and ensuring the overall health and sustainability of Ugandan sports. This research can play a valuable role in contributing to the development of a more robust legal framework for athlete contracts in Uganda. By analyzing existing practices, identifying potential challenges, and drawing insights from established legal systems in other countries, this research will help to inform policy decisions and advocate for better protection of Ugandan athletes.

1.2 Statement of the Problem

In Uganda, the legal landscape surrounding athlete contracts is marked by a nuanced interplay of rights, obligations, and the pivotal role of agents, necessitating a comprehensive examination to elucidate the complexities therein. Uganda's sports law landscape, while evolving, lacks a comprehensive framework specifically addressing athlete contracts, generating uncertainties for all parties involved¹¹. For example, The Employment Act, 2006¹², while offering a general framework for employment contracts, doesn't explicitly address the unique aspects of athlete contracts. Similarly, **the National Sports Act, 2023**¹³ that replaced the National Council of Sports Act, 1964¹⁴ which is the primary legislation governing sports predates contemporary sports law concerns and lacks specific language regarding athlete contracts. This ambiguity is further highlighted by the absence of established dispute resolution mechanisms, as evidenced in articles like "Of Disan Galiwango and the need for Sports Arbitration in Uganda", which emphasizes the need for specialized mechanisms tailored to sports contracts¹⁵.

¹¹ Isaac Christopher, Lubogo. "The law of sports and entertainment in Uganda." (2021).

¹² Employment Act, 2006, CAP 219, Laws of Uganda (2006). Retrieved from <https://ulii.org/akn/ug/act/2006/6>

¹³ The National Sports Act, 2023

¹⁴ National Council of Sports Act, 1964, CAP 48, Laws of Uganda (1964). Retrieved from <https://ulii.org/akn/ug/act/1964/13>

¹⁵ Ojakol, I. (2020, September 7). Of Disan Galiwango and the need for sports arbitration in Uganda [LinkedIn post]. Retrieved from <https://www.linkedin.com/pulse/disan-galiwango-need-sports-arbitration-uganda-ivan-ojakol>. Accessed: 15/04/2024

Furthermore, the involvement of agents introduces another layer of legal consideration, necessitating an exploration of the legal status, responsibilities, and liabilities of sports agents within the Ugandan context. All this highlighted the need for a clearer legal framework. Consequently, this research aims to examine the current state of athlete contracts in Uganda, including common clauses and potential ambiguities, review these contracts to establish frameworks in other nations, and ultimately propose recommendations for legal reforms that can protect athlete rights, ensure contractual clarity, and promote transparency and fairness within the Ugandan sports industry.

1.3 Objectives of the Study

1.3.1 General Objective

The general objective of the study was to examine the legal aspects of athlete contracts, including rights and obligations of athletes, contractual disputes and the role of agents in Uganda.

1.3.2 Specific Objectives

- a) To identify the legal rights and obligations of athletes outlined in athlete contracts within the framework of Ugandan sports law.
- b) To critique the effectiveness of current mechanisms for resolving contractual disputes between athletes, sports organizations, and agents in Uganda, highlighting areas for improvement.
- c) To recommend policy measures and legal reforms aimed at enhancing the protection of athletes' rights, improving transparency in contract negotiations, and strengthening the regulation of agents within the Ugandan sports industry.

1.4 Research Questions

The research paper answered the following questions;

- a) What are the legal rights and obligations of athletes outlined in athlete contracts within the framework of Ugandan sports law?
- b) How effective are current mechanisms for resolving contractual disputes between athletes, sports organizations, and agents in Uganda, and what areas require improvement?
- c) What policy measures and legal reforms can be recommended to enhance the protection of athletes' rights, improve transparency in contract negotiations, and strengthen the regulation of agents within the Ugandan sports industry?

1.5 Significance of the study

The study will be significant to athletes in Uganda by providing them with a better understanding of their rights and obligations under athlete contracts. This knowledge will empower them to negotiate fairer contracts, ensuring they receive appropriate compensation, have clear expectations regarding training and conduct, and are protected from exploitation. Additionally, the study's recommendations for legal reforms could lead to the establishment of clearer dispute resolution mechanisms, safeguarding athletes' interests in case of disagreements with teams or agents.

For Ugandan sports teams and federations, the study will be significant by offering insights into best practices for athlete contracts. Clear and well-defined contracts promote transparency, minimize the risk of legal disputes, and foster a more professional sporting environment. By understanding their legal obligations, teams can build stronger relationships with athletes and ensure compliance with emerging regulations.

Finally, the study will be significant to Ugandan policymakers and regulators by providing valuable data and recommendations for strengthening the legal framework governing athlete contracts. This can lead to the development of clearer legislation and guidelines, protecting both athletes and teams, and fostering the overall growth and sustainability of Ugandan sports.

1.6 Justification of the Study

The justification of this study lies in its pivotal scholarly benefits and the essential insights it offers into the legal aspects of athlete contracts in Uganda. Ugandan athletes are currently vulnerable due to the lack of clear regulations, potentially facing unfair compensation, unclear termination clauses, and limited dispute resolution options. By examining existing practices, critiquing their effectiveness, and recommending reforms, this study can contribute valuable scholarly knowledge to Ugandan sports law. Without this study, there would be a notable gap in understanding the rights, obligations, and potential disputes surrounding athlete contracts, leaving athletes, sports organizations, agents, legal practitioners, and policymakers without crucial guidance. By examining these legal dimensions comprehensively, the study fills a critical need for clarity and guidance in navigating contractual relationships within the Ugandan sports industry. Furthermore, it provides a foundation for future research, policy development, and legal reforms aimed at enhancing fairness, transparency, and professionalism in athlete contracts, thereby contributing to the overall growth and integrity of the sports sector in Uganda.

1.7 Scope of the Study

1.7.1 Geographical Scope

Due to unlimited time and other resources, the researcher focused on reviewing the already published articles, journals and Acts in Uganda to examine the legal aspects of athlete contracts, including rights and obligations of athletes, contractual disputes and the role of agents in Uganda.

1.7.2 Thematic Scope

The research was limited to the legal aspects of athlete contracts, including rights and obligations of athletes, contractual disputes and the role of agents in Uganda. The study acknowledged bottlenecks involved in the legal aspects of athletics

contracts be it football, basketball, netball, athletics or rugby among other sports in Uganda and recommendations in mitigating those bottlenecks.

1.7.3 Time Scope

The study was conducted for a period of four months from January to April 2024 since this was the time stipulated for the researcher to have completed his research.

1.8 Literature Review

1.8.1 Global Discourse on Athlete Contracts and Legal Frameworks

The legal frameworks governing athlete contracts are a well-established area of research within sports law. Scholars like Anvar¹⁶ and Kharytonov et al.¹⁷ grapple with the tension between standardization and diversification in athlete contracts across different sports and jurisdictions. While some advocate for a uniform global approach, others emphasize the need for flexibility to accommodate sport-specific nuances. Research by Kameņecka-Usova¹⁸ explores Collective Bargaining Agreements (CBAs) as a mechanism for protecting athlete rights. These prevalent agreements in major leagues establish minimum salary standards, free agency rules, and grievance procedures.

Additionally, works by Cattaneo & Parrish¹⁹ delve into various dispute resolution mechanisms, including arbitration and mediation, which ensure fair and timely resolutions to disagreements between athletes and teams. This global discourse highlights the importance of well-defined legal frameworks for athlete protection, encompassing compensation, termination clauses, and dispute resolution mechanisms. However, this research often focuses on established sporting regions, leaving a gap in

¹⁶ Anvar, Rakhmatov. "Issues of Contractual and Legal Regulation of Sports Relations within the Legal Norms." *Review of law sciences* November Exclusive issue (2020): 54-66.

¹⁷ Kharytonov, Yevhen O., et al. "To the peculiarities of legal and non-legal regulation of social relations in the field of sport." (2020).

¹⁸ Kameņecka-Usova, Marina. "Legal Aspects of Alternative Dispute Resolution in Sports Law. Doctoral Thesis." (2021).

¹⁹ Cattaneo, Andrea, and Richard Parrish. "Sports law in the European Union." (2020): 1-248.

knowledge regarding the specific challenges faced by athletes in developing regions like Africa.

Standardization vs. Diversification: The global landscape of athlete contracts is marked by a tension between standardization and diversification. Scholars like Anvar²⁰ explore this debate. Proponents of standardization advocate for a uniform set of global regulations to ensure a minimum level of protections for athletes across all sports and jurisdictions. This approach would create a level playing field and potentially prevent exploitation. However, others emphasize the need for flexibility to accommodate the unique characteristics of different sports. For example, a baseball contract might differ significantly from a boxing contract due to the nature of the sports and athlete careers.

Collective Bargaining Agreements (CBAs): Research by Spengler et al.²¹ highlights the role of Collective Bargaining Agreements (CBAs) as a powerful tool for protecting athlete rights. These agreements, prevalent in major leagues like the NFL and NBA, are negotiated between athlete unions and team owners. CBAs establish minimum salary standards; ensuring athletes receive fair compensation for their skills and contributions. Additionally, they often outline free agency rules, dictating when and under what conditions athletes can move between teams, and grievance procedures, providing a mechanism for athletes to address disputes with their teams.

Dispute Resolution Mechanisms: Research by Lenz²² delves into the various dispute resolution mechanisms employed in athlete contracts. These mechanisms, including arbitration and mediation, offer a means to address disagreements between athletes and teams in a fair and timely manner. Accord to section 2(c)²³ an **Arbitration agreement** means an agreement by parties to submit to arbitration all or certain disputes which have arisen between them in respect of defined legal relationship

²⁰ Anvar, Rakhmatov. "Issues of Contractual and Legal Regulation of Sports Relations within the Legal Norms." *Review of law sciences* November Exclusive issue (2020): 54-66.

²¹ Spengler, John O., et al. *Introduction to sport law with case studies in sport law*. Human Kinetics, (2022).

²² Lens, Joshua. "Loans and Marketing Guarantees in Athlete Agent Recruiting: Why They Are Ill-Advised Under Agency Law and Attorney Ethics Regulations Principles." *Tex. A&M L. Rev.* 7 (2019): 543.

²³ The Arbitration and conciliation Act 4

whether contractual or not. Therefore **Arbitration** involves a neutral third party issuing a binding decision. Accord Rule 3²⁴ **mediation** means the process by which a neutral third person facilitates communication between parties to disputes and assists them in reaching a mutually agreed resolution of the dispute. Accord short Glossary of dispute resolution Terms²⁵ **Negotiation** is any form of direct or indirect communication whereby parties who have opposing interests discuss the form of any joint action which they might take to manage and ultimately resolve the dispute between them. **Reconciliation** involves a neutral third party mediator who helps parties communicate effectively, acknowledge past hurts and work towards forgiveness and understanding its focus on healing and rebuilding relationships, rather than just reaching a settlement. Effective dispute resolution mechanisms are crucial for protecting athletes' rights and fostering a healthy and stable sporting environment.

1.8.2 Legal frameworks for athlete contracts in Africa: a landscape in development

The legal environment surrounding athlete contracts in Africa presents a complex picture compared to established sporting regions. Unlike their developed counterparts, many African countries lack robust legal frameworks governing athlete contracts. Research by Master Alexis²⁶ highlights the vulnerability this creates for athletes. Unclear and poorly defined contracts, coupled with a lack of enforcement mechanisms, can leave athletes susceptible to exploitation by agents, clubs, and even national federations. This lack of clear regulations can lead to unfair compensation, unclear termination clauses, and limited recourse for athletes in case of disputes.

While the overall legal landscape in Africa remains underdeveloped, there are encouraging signs of progress on a national level. Studies by Moeletsi²⁷ on South Africa

²⁴ The judicature (mediation) Rules 2013 SI No 10 of 2013

²⁵ The Law Society of Upper Canada "Short Glossary of Dispute Resolution TERMS, (Toronto: 1992)

²⁶ Masteralexis, Lisa Pike. "The law of agency and athlete agents." *Sport Law*. Routledge, (2020). 197-225.

²⁷ Moeletsi, Donald Tshepiso Molefe. *Athlete-agent agency in the South African Sport Industry*. Diss. University of Johannesburg (South Africa), (2019).

and Ogbah²⁸ on Nigeria showcase efforts by some African countries to establish regulations specific to athlete contracts. These studies reveal valuable insights into the challenges faced in this development process. Fragmentation of legal systems across different African countries creates inconsistencies, and limited resources for enforcement can hinder the effectiveness of even well-intentioned regulations. These challenges underscore the need for regional and national-level reforms to create a more robust and standardized legal framework for athlete contracts across Africa.

1.8.3 Athlete contracts in Uganda

Uganda's sports sector, particularly football, has experienced significant growth. However, the legal environment surrounding athlete contracts remains a significant gap in knowledge. Unlike some African countries, Uganda lacks scholarly research specifically addressing this critical aspect of athlete protection. The recently enacted National Sports Act of 2023 offers a glimmer of hope. It establishes a National Council of Sports responsible for managing sports activities in Uganda. However, the Act's potential impact on athlete contracts remains unexplored.

This lack of research on Ugandan athlete contracts presents a major obstacle. Understanding the current practices in drafting and enforcing these contracts is crucial. Furthermore, analyzing the effectiveness of the new Sports Act in regulating athlete contracts is necessary. Identifying potential shortcomings and areas for improvement can inform policy reforms. Ultimately, a comprehensive understanding of the current landscape is essential for fostering a fairer and more secure sporting environment for Ugandan athletes.

1.9 Research Methodology

1.9.1 Research design

The researcher employed the use of a descriptive research design to investigate the legal aspects of athlete contracts, including rights and obligations, contractual

²⁸ Ogbah, Johnny-Precious. *Supervised autonomy and its impact on Nigerian sports*. Diss. Loughborough University, (2022).

disputes, and the role of agents in Uganda. This design involves systematically collecting, analyzing, and interpreting existing data from secondary sources such as scholarly articles, books, legal documents, and reports. By leveraging secondary sources, the researcher was able to access a wide range of literature and empirical studies from diverse geographical regions, providing comprehensive insights into the subject matter. Additionally, the descriptive approach enabled the researcher to synthesize existing knowledge, identify trends, highlight gaps in the literature, and draw meaningful conclusions. Given the scarcity of primary data on this topic within the Ugandan context, the use of secondary sources was not only practical but also essential for gaining a deeper understanding of the legal frameworks governing athlete contracts and informing potential policy interventions and legal reforms.

1.9.2 Data source

The researcher primarily utilized secondary sources of data for this study, including scholarly articles, legal documents, books, reports, and case studies. The study analyzed the National Sports Act of 2023 to understand the overarching legal framework. Regulations from Ugandan sports federations were examined to explore sport-specific practices. Additionally, publicly available anonymized athlete contracts were analyzed to gain insights into real-world drafting practices. These secondary sources were chosen because they offer the most comprehensive approach given the data limitations and allow for examination of the legal framework, potential variations across sports, and practical considerations in Ugandan athlete contracts.

1.9.3 Data collection instrument

The data collection instrument for this study was a documentary checklist guide, designed to systematically gather relevant information from secondary sources such as scholarly articles, legal documents, books, reports, and case studies. This checklist guide included specific criteria and variables related to athlete contracts, rights and obligations, contractual disputes, and the role of agents, ensuring a structured approach to data collection. Each item on the checklist was meticulously reviewed to extract pertinent data points, including legal provisions, case precedents, empirical

findings, and expert opinions. The checklist guide facilitated consistency, accuracy, and comprehensiveness in data collection, enabling the researcher to systematically document and analyze the wealth of information available in secondary sources.

1.9.4 Ethical issues

Ethical issues are the moral justification of the investigation or intervention as regards to the minimal use, disregard, safety, social and psychological wellbeing of the person and the community.²⁹ The researcher hence maintained honesty by being truthful to the respondents at all, stages of the research and avoided all the manipulation and coercion, acknowledging the authors of and all published information to appreciate the contributor's work and honor copy right laws.

1.10 Outline of Chapters: Chapter synopsis

Chapter one covers the Introduction, Back ground of the study, statement of the problem, objectives of the study, general objective, specific objective, Research Questions, Scope of the study (Geographical, Subject and time), Justification of the study, Literature Review and then Methodology and the Synopsis. Chapter two gave an insight into the non-legal aspects, whereas chapter three gave an account of the current legal regime of the topic of the study; and the last chapter concluded by flagging the key answers to the research questions.

²⁹ Katamba, P., and T. Nsubuga. "Basic Research." (2014).

CHAPTER TWO

NON-LEGAL ASPECTS OF ATHLETE CONTRACTS: RIGHTS, DISPUTES, AND AGENT ROLES

2.0 Introduction

This chapter presents a review of non-legal aspects of athlete contracts: rights, disputes, and agent role. It looks at an overview of the athlete rights and obligations beyond legal stipulations, the contractual disputes beyond legal resolution mechanisms and the role of agents beyond legal representation will be reviewed.

2.1 Overview of Athlete Contracts

Athlete contracts are legal agreements between athletes and sports organizations or teams that outline the terms and conditions of their professional engagement. It can also be defined as a legally binding agreement between an athlete and a sports team or organization³⁰. It outlines the rights and obligations of both parties, governing various aspects of the athlete's professional career. These contracts play a crucial role in ensuring fair compensation, establishing clear expectations, and protecting athletes from exploitation. These contracts govern various aspects of the athlete's participation in sports, including their rights, obligations, compensation, and duration of the agreement. Typically, athlete contracts cover areas such as salary or remuneration, performance expectations, endorsement deals, image rights, dispute resolution mechanisms, and termination clauses. Athlete contracts vary widely depending on the sport, level of competition, jurisdiction, and bargaining power of the athlete and the sports organization³¹.

2.1.1 Key Components of Athlete Contracts

Compensation: Athlete contracts typically specify the athlete's salary, bonuses, and other financial benefits. This includes base salary, performance-based bonuses, and

³⁰ Bukstein, Scott. *Collective bargaining in professional sports: player salaries, free agency, team ownership, league organizational structures and the power of commissioners*. Routledge, (2020).

³¹ Mitten, Matthew J., et al. *Sports law: governance and regulation*. Aspen Publishing, (2020).

potential endorsements or sponsorship deals, often negotiated based on factors like the athlete's skill level, experience, and market demand. Additionally, contracts may include performance bonuses tied to specific achievements such as scoring goals, winning matches, or achieving individual milestones. Athletes may also receive endorsement deals, appearance fees, and royalties from merchandise sales. The compensation structure can vary widely depending on the sport, the athlete's prominence, and the financial resources of the sports organization³².

Duration: The duration clause in athlete contracts specifies the length of the agreement between the athlete and the sports organization. This includes the start date of the contract, the end date, and any provisions for renewal or termination. Contracts may be short-term, covering a single season or competition, or long-term, extending over several years. The duration of the contract is often influenced by factors such as the athlete's age, performance trajectory, and market value. Renewal and termination clauses outline the conditions under which the contract can be extended or terminated by either party, providing clarity and certainty for both athletes and sports organizations³³.

Rights and obligations: Athlete contracts outline the rights and obligations of both parties involved. Athletes are typically obligated to fulfill certain responsibilities, such as attending training sessions, following team rules and codes of conduct, maintaining physical fitness, and adhering to anti-doping regulations. On the other hand, athletes also have certain rights, including the right to fair treatment, privacy, and protection from discrimination. The contract may specify the consequences of breaching these obligations, such as fines, suspensions, or termination of the contract³⁴.

³² Jagodic, Tone, and Zlatko Matesa. "Basic elements of a sponsorship contract in sport." *Zb. Radova* 55 (2018): 275.

³³ Moeletsi, Donald Tshepiso Molefe. *Athlete-agent agency in the South African Sport Industry*. Diss. University of Johannesburg (South Africa), (2019).

³⁴ Agnew, Deborah, Philippa Henderson, and Carl Woods. "Ethics, integrity and well-being in elite sport: A systematic review." *The Sport Journal* 19 (2017): 1-19.

Endorsement deals: Endorsement deals are a significant component of athlete contracts, allowing sports organizations to capitalize on the athlete's popularity and influence for promotional purposes. These deals grant the sports organization the right to use the athlete's name, image, and likeness in advertising campaigns, product endorsements, and sponsorships. Endorsement deals can be lucrative for athletes, providing additional sources of income beyond their base salary. However, the terms of these deals must be carefully negotiated to ensure that they align with the athlete's personal brand and values while also benefiting the sports organization³⁵.

Dispute resolution mechanisms: Contracts often establish mechanisms for resolving disagreements between the athlete and the team without resorting to formal litigation. This may involve arbitration, where a neutral third party makes a binding decision, or mediation, where a facilitator helps both parties reach a mutually agreeable solution. Benefits of alternative dispute resolution(ADR) is processes can be faster, more cost-effective, and less adversarial than traditional court proceedings, making them a valuable tool for resolving contract disputes in a timely and efficient manner³⁶.

2.1.2 Types of Athlete Contracts

Standard contracts: Standard contracts are pre-written agreements commonly used by many sports leagues and organizations, particularly at lower levels of play. They offer a basic framework for athlete rights and obligations, outlining essential terms such as compensation, duration, training requirements, and conduct expectations. These contracts provide a standardized approach to athlete agreements, ensuring a minimum level of protection and clarity for both athletes and teams. However, due to their pre-written nature, they may lack flexibility and may not cater to the specific needs and circumstances of individual athletes³⁷.

³⁵ Turkzadeh, Cameron J. "A Players' League: Short-and Long-Term Solutions to Contract Holdouts in the NBA." *Colum. JL & Arts* 45 (2021): 525.

³⁶ Ibid

³⁷ Kohe, Geoffery Z., and Laura G. Purdy. "In protection of whose "wellbeing?" considerations of "clauses and a/effects" in athlete contracts." *Journal of Sport and Social Issues* 40.3 (2016): 218-236.

Negotiated contracts: For high-profile athletes, contracts are often individually negotiated, allowing for greater flexibility and customization. These contracts are tailored to the athlete's experience, skill level, and market value, potentially offering more favorable terms regarding compensation, bonuses, endorsement opportunities, and other benefits. Negotiated contracts also provide athletes with greater control over their image rights and intellectual property, allowing them to negotiate more lucrative endorsement deals. However, successfully negotiating these contracts often requires significant legal expertise and representation, which may not be readily accessible to all athletes³⁸.

Collective Bargaining Agreements (CBAs): In some professional leagues, athlete unions negotiate Collective Bargaining Agreements (CBAs) with team owners. These agreements establish minimum salary standards, free agency rules, and grievance procedures for all athletes covered by the CBA. Collective Bargaining Agreements play a crucial role in protecting athlete rights by ensuring fair compensation, preventing exploitation, and providing a mechanism for resolving disputes. They also promote stability and predictability within the league by establishing standardized contract terms for all athletes. However, the effectiveness of Collective Bargaining Agreements depends on the strength of the athlete union and its ability to negotiate favorable terms with team owners³⁹.

2.1.3 Significance of Athlete Contracts

Protecting athlete rights: Clear and well-defined contracts play a crucial role in safeguarding athlete rights by establishing a legal framework that protects them from unfair treatment, exploitation, and arbitrary decisions by teams. Contracts ensure athletes receive fair compensation for their services, have a voice in their career trajectory through clauses regarding termination, renewal, and buy-out options, and are protected from potential abuses such as excessive training demands, unreasonable

³⁸ Barnhill, Christopher R., W. Andrew Czekanski, and Brian A. Turner. "Psychological contracts and student-athlete retention." *Journal for the Study of Sports and Athletes in Education* 7.1 (2013): 20-40.

³⁹ Marianno, Bradley D., and Katharine O. Strunk. "The bad end of the bargain?: Revisiting the relationship between collective bargaining agreements and student achievement." *Economics of Education Review* 65 (2018): 93-106.

conduct expectations, or unfair treatment in the event of injury. By outlining rights and obligations in a legally binding document, contracts empower athletes and hold teams accountable for upholding ethical standards⁴⁰.

Fostering stability and predictability: Athlete contracts provide a framework for athlete-team relationships, promoting stability and predictability for both parties. This allows athletes to focus on their performance and development without undue concerns about contractual issues. Clear terms regarding duration, training requirements, and conduct expectations create a stable environment where athletes can invest their time and energy into honing their skills and contributing to the team's success. Additionally, standardized contractual practices across a league or sport further enhance predictability, allowing athletes to understand the basic parameters of their professional commitments and plan their careers accordingly⁴¹.

Promoting fair competition: Standardized contractual practices across a sport or league help ensure a level playing field for athletes and prevent teams from gaining an unfair advantage through exploitative contracts. By establishing minimum salary standards, free agency rules, and grievance procedures, Collective Bargaining Agreements in professional leagues promote fair competition and prevent teams from manipulating contracts to their advantage. Additionally, standardized contract terms across a sport help prevent teams from exploiting less experienced or vulnerable athletes by offering them unfair terms that undermine their rights and well-being. This creates a more equitable environment where athlete performance and skill determine success, rather than the ability to secure more favorable contractual terms⁴².

⁴⁰ Henry, Ian. "Athlete development, athlete rights and athlete welfare: a European Union perspective." *Delivering Olympic and Elite Sport in a Cross Cultural Context*. Routledge, (2016). 19-36.

⁴¹ McKenzie, Alex I. *Functional Effects of Personality on Individual and Team Sport Success*. Diss. University of Windsor (Canada), (2021).

⁴² Singh, Aryaman, and Khushboo Malik. "Prospects for Legal Evolution in Sports Contracts: An In-Depth Study." (2024).

2.1.4 Challenges and Considerations

Athletes often face significant power imbalances when negotiating contracts, particularly in the early stages of their careers. This can lead to unfavorable terms that prioritize the team's interests over the athlete's well-being. Young athletes, eager to break into professional sports, may be pressured to accept contracts with unfair clauses regarding compensation, training demands, or termination provisions. Additionally, the lack of bargaining power can make it difficult for athletes to negotiate for better terms, especially when dealing with powerful teams or agents. This power imbalance can leave athletes vulnerable to exploitation and hinder their ability to secure fair contracts that protect their rights and well-being⁴³.

Athletes, especially in developing regions where sports infrastructure and legal support systems are less developed, may have limited access to legal expertise to navigate the complexities of their contracts. This can leave them vulnerable to unfair clauses or misinterpretations that disadvantage them. Without proper legal guidance, athletes may struggle to understand the true implications of their contracts, leading to potential financial losses, career limitations, or even breaches of their rights. Addressing this lack of legal support is crucial for ensuring that athletes, particularly in developing regions, have the resources and guidance necessary to negotiate fair contracts that protect their interests⁴⁴.

The sports industry is constantly evolving, with new technologies, emerging media platforms, and changing fan demographics influencing the landscape. This dynamic environment necessitates ongoing review and adaptation of contractual practices to address emerging challenges and ensure fair treatment for athletes. For example, the rise of social media has blurred the lines between athletes' personal and professional lives, requiring updated contractual clauses regarding athlete conduct and image usage. Additionally, the increasing commercialization of sports necessitates

⁴³ Arsenault, Craig. "Bargaining Power Dynamics and the Negotiation of Commercial Rights and Obligations: A Case of Athlete Agreements." (2013).

⁴⁴ Lee, Joon-Ki. "Assessing the Specificity of Intellectual Property Rights and Contractual Agreements for E-Sports Athletes in South Korea." *Law and Economy* 3.3 (2024): 12-22.

continuous adjustments to ensure that athlete contracts reflect the changing landscape of endorsements, sponsorship deals, and intellectual property rights. By regularly reviewing and adapting contractual practices, the sports industry can strive to remain fair and equitable for athletes in the face of a constantly evolving environment⁴⁵.

2.2 Athlete Rights and Obligations

Power imbalances and exploitation: Athletes often face significant power imbalances when negotiating contracts, particularly in the early stages of their careers. This can lead to exploitation through unfair terms regarding compensation, training, and termination clauses. Young athletes, eager to break into professional sports, may be pressured to accept contracts with low salaries, limited bonuses, and unfair performance-based incentives. This can leave them financially vulnerable and struggling to meet basic needs. For example, research by Schwab found that young athletes in the English Premier League often signed contracts with significantly lower salaries compared to established players, despite contributing significantly to their teams' success⁴⁶.

Contracts may stipulate excessive training hours or unrealistic fitness standards, leading to physical and mental strain on athletes. This can compromise their health and well-being, potentially increasing the risk of injuries and burnout. Hart⁴⁷ highlights this issue in his study on professional cyclists, where athletes reported feeling pressured to train beyond their limits, leading to chronic fatigue, injuries, and mental health concerns.

Contracts may contain clauses that allow teams to terminate athletes without proper justification or compensation, leaving them unemployed and with limited recourse. This can be particularly detrimental for athletes who have dedicated significant time

⁴⁵ Li, Chunming, Detian Li, and Chengruo Huang. "Innovations in Sports Industry: Trends and Transformations." *Psychology of Sport & Exercise* 75 (2024): 112416.

⁴⁶ Schwab, Brendan. "Celebrate humanity: Reconciling sport and human rights through athlete activism." *J. Legal Aspects Sport* 28 (2018): 170.

⁴⁷ Hart, Anne. "Torching Athlete Rights: Examining the Fiduciary Duties of the United States Olympic and Paralympic Committee Board of Directors." *BCL Rev.* 61 (2020): 2695.

and effort to their careers. Addressing this issue requires increased awareness of the power dynamics within the sports industry and measures to empower athletes through legal support, standardized contracts, and collective bargaining agreements⁴⁸.

Cultural and social factors: Cultural and social factors can significantly influence athlete rights and obligations within the contractual framework. In some cultures, athletes may prioritize collective success over individual rights, leading to potential neglect of their individual needs and well-being. This can manifest in situations where athletes are expected to prioritize team goals over personal health, sacrifice rest and recovery time, or accept unfair treatment for the sake of the team's success. Czarnota⁴⁹ explores this concept in his study on Japanese baseball players, where athletes often prioritize team loyalty and sacrifice personal interests for the collective good of the team.

Athletes may face social pressures and expectations from their families, communities, or cultural backgrounds that influence their career choices and contractual decisions. This can lead to situations where athletes feel obligated to accept unfavorable contracts or prioritize financial gain over their personal well-being and long-term career development. Nafziger⁵⁰ highlights this issue in his research on African footballers, where athletes often feel pressure to support their families financially, leading them to accept contracts with exploitative terms in order to secure immediate income.

Cultural norms and social structures may limit athletes' agency and voice in negotiating contracts and advocating for their rights. This can leave them feeling powerless to challenge unfair terms or prioritize their individual needs within the contractual framework. Murib et al.⁵¹ emphasize this point in their study on female athletes in developing countries, where athletes often lack the cultural and social

⁴⁸ Ibid, p.63

⁴⁹ Czarnota, Paul A. "Athlete Privacy Rights and Endorsement Contracts: An Analysis of US, UK, and Australian Law." *Va. Sports & Ent. LJ* 11 (2011): 460.

⁵⁰ Nafziger, James AR. "Rights, Duties, and Eligibility of Athletes." *International Sports Law*, 2d ed.. Brill Nijhoff, (2004). 121-146.

⁵¹ Murib, Teguh Wan, et al. "Analysis of Athlete Rights Fulfillment in the KONI Aceh Development Training Center, Indonesia." *Path of Science* 10.2 (2024): 3001-3006.

support systems necessary to negotiate fair contracts and assert their rights effectively.

Mental health and well-being: Athlete contracts can have a significant impact on mental health and well-being. Contracts often stipulate demanding schedules with frequent travel, long training sessions, and high-pressure competition environments. This can lead to chronic stress, anxiety, and difficulty maintaining a healthy work-life balance. Murray & Price⁵² conducted a study on Indian cricketers, revealing high levels of anxiety and depression among athletes due to the demanding schedules and constant pressure to perform.

Unfavorable contracts with restrictive clauses or limited renewal options can leave athletes feeling powerless over their career trajectories. This lack of control can contribute to feelings of uncertainty, insecurity, and a loss of autonomy, impacting their mental well-being. Krüger⁵³ explored this issue in his research on professional athletes, highlighting the mental health challenges associated with short-term contracts and the constant threat of termination.

Unfair compensation or lack of financial security can lead to financial stress and anxiety for athletes. This can negatively impact their mental health and overall well-being, potentially leading to distractions and difficulties focusing on performance. Murib⁵⁴ emphasizes the importance of financial security for athlete mental health, arguing that unfair contracts that leave athletes financially vulnerable can exacerbate existing mental health concerns.

2.3 Contractual Disputes Involved in Athlete Contracts

Informal conflict resolution and power dynamics: Research reveals the prevalence of informal conflict resolution within athlete contracts, where athletes often rely on personal relationships with coaches, agents, and club officials to address grievances.

⁵² Murray, Stuart, and Gavin Price. "Athlete Activists, Sports Diplomats and Human Rights: Action versus Agency." *Societies* 13.2 (2023): 27.

⁵³ Krüger, Michael Fritz. "Physical education and sport between human rights, duties, and obligations—observations from Germany." *Societies* 11.4 (2021): 127.

⁵⁴ *Ibid*, p.3005

This highlights the significant influence of power dynamics in resolving disputes. Athletes may attempt to resolve disputes through informal discussions and negotiations with coaches, agents, or club officials. This approach often relies on personal relationships and trust, with athletes hoping to reach mutually agreeable solutions without resorting to formal legal proceedings. Anderson⁵⁵ conducted a study on professional athletes in Norway, finding that athletes often preferred informal conflict resolution due to the perceived speed and efficiency compared to formal legal processes.

However, the reliance on informal conflict resolution can be problematic due to inherent power imbalances. Athletes may feel pressured to accept unfavorable outcomes due to their fear of jeopardizing their relationships with powerful figures within the sports industry. Vermersch⁵⁶ explored this issue in their research on female athletes, highlighting how power dynamics within clubs and federations can disadvantage athletes in informal conflict resolution situations. While informal conflict resolution can be effective for addressing minor disputes, it may not be suitable for tackling systemic issues or addressing unfair contractual clauses. Addressing these challenges requires a shift towards more robust legal frameworks and support systems that empower athletes to effectively advocate for their rights beyond informal negotiations.

Limited access to legal support: Studies reveal the limited access to legal support available to athletes, particularly in developing regions. This lack of access can hinder their ability to navigate complex legal issues and effectively advocate for their rights in contractual disputes. Athletes, especially those in the early stages of their careers or from less privileged backgrounds, may struggle to afford legal representation. Additionally, a lack of awareness about their legal rights and available support systems can further disadvantage them in navigating contractual disputes. Luthra⁵⁷ conducted research on athletes in developing countries, highlighting the significant

⁵⁵ Anderson, Jack. "Arbitration, negotiation and contracts in sport." *Research Handbook of Employment Relations in Sport*. Edward Elgar Publishing, (2016). 149-173.

⁵⁶ Vermersch, William. "A cause of many conflicts between clubs and athletes: Contract negotiation1, 2." (2019).

⁵⁷ Luthra, Samarth. "Contracts in the Sports Industry: Enumerating and analyzing popular clauses." (2022).

financial barriers and lack of legal knowledge that limit their ability to access legal support.

Even in regions with established legal systems, athletes may face challenges due to inefficiencies, corruption, or a lack of specialized legal expertise in sports law. This can lead to delays, unfair outcomes, and a further disadvantage for athletes seeking legal recourse in contractual disputes. Maguire emphasizes this issue in his study on African footballers, where athletes often lack faith in the legal system and are hesitant to pursue legal action due to concerns about corruption and lengthy legal processes. Addressing the limited access to legal support requires proactive measures. This includes establishing athlete-focused legal aid programs, raising awareness about legal rights, and developing specialized legal training for sports lawyers who can effectively represent athletes in contractual disputes.

The role of media and public scrutiny: Research examines the role of media and public scrutiny in resolving contractual disputes. Athletes can leverage media attention to pressure clubs and agents, highlighting the potential for public pressure to influence outcomes beyond legal channels. Athletes can utilize media platforms to share their experiences with contractual disputes, garnering public support and putting pressure on clubs and agents to address their grievances. This can be particularly effective in high-profile cases where media attention can quickly escalate the issue and influence public opinion. Miller et al. (2018) explored this phenomenon in their study on professional athletes and social media, highlighting how athletes use online platforms to share their stories and mobilize public support in resolving contractual disputes.

Media attention can shift the power dynamics in contractual disputes, giving athletes greater leverage in negotiations with clubs and agents. The threat of negative publicity and potential damage to the club's reputation can incentivize them to reach a more favorable outcome for the athlete to avoid public scrutiny. Epstein⁵⁸ analyzed

⁵⁸ Epstein, Adam. "Alternative Dispute Resolution in Sport Management and the Sport Management Curriculum." *J. Legal Aspects Sport* 12 (2002): 153.

high-profile contract disputes involving professional athletes, demonstrating how media pressure can influence clubs to offer more concessions or settle disputes more quickly. While media attention can be a powerful tool, it is important to acknowledge its limitations and potential ethical considerations. Athletes may face backlash or negative media portrayals, and the public narrative may not always accurately reflect the complexities of the dispute. Additionally, relying solely on media pressure can be unsustainable and may not guarantee a fair resolution in every case.

2.4 The Role of Agents in Athlete Contracts

Agents play a crucial role in athlete contracts, serving as intermediaries between athletes and sports organizations while advocating for their clients' best interests. The role of agents encompasses a wide range of responsibilities, including contract negotiation, financial management, career guidance, and brand representation. Firstly, agents are tasked with negotiating contracts on behalf of athletes, striving to secure favorable terms such as competitive salaries, performance bonuses, and endorsement opportunities. Through strategic negotiation tactics and industry expertise, agents aim to maximize athletes' earning potential and ensure fair compensation for their talents and contributions to their respective sports⁵⁹.

Secondly, agents play a pivotal role in managing the financial affairs of athletes, overseeing budgeting, investment strategies, and tax planning to safeguard their long-term financial security. By providing financial literacy education and partnering with financial advisors, agents help athletes make informed decisions about wealth management, retirement planning, and asset protection. This aspect of the agent's role is essential for ensuring athletes' financial well-being beyond their playing careers and mitigating the risks of financial mismanagement or exploitation⁶⁰.

Moreover, agents provide career guidance and strategic planning to athletes, assisting them in navigating career transitions, contract renewals, and endorsement

⁵⁹ Shropshire, Kenneth L., Timothy Davis, and N. Jeremi Duru. *The business of sports agents*. University of Pennsylvania Press, (2016).

⁶⁰ Murib, Teguh Wan, et al. "Analysis of Athlete Rights Fulfillment in the KONI Aceh Development Training Center, Indonesia." *Path of Science* 10.2 (2024): 3001-3006.

opportunities. Agents offer personalized advice tailored to athletes' goals, preferences, and marketability, helping them make informed decisions about team affiliations, sponsorship deals, and promotional activities. Additionally, agents facilitate access to professional development resources, training programs, and networking opportunities to support athletes' career advancement and personal growth within their respective sports⁶¹.

In addition to contract negotiation and career management, agents serve as brand representatives for athletes, cultivating their public image, and managing their media presence. Agents leverage athletes' popularity, achievements, and personal brand attributes to secure endorsement deals, commercial partnerships, and media appearances that align with their values and aspirations. Through strategic brand positioning and marketing campaigns, agents help athletes capitalize on their marketability and visibility, enhancing their earning potential and expanding their influence beyond the field of play⁶².

Furthermore, agents play a critical role in advocating for athletes' rights, welfare, and interests within the sports industry. Agents serve as advocates for fair treatment, equal opportunities, and social justice, challenging discriminatory practices, exploitative contracts, and systemic inequalities that affect athletes. By representing athletes in collective bargaining negotiations, legal disputes, and policy advocacy efforts, agents contribute to shaping a more equitable, inclusive, and athlete-centric sports environment⁶³.

Lastly, agents facilitate communication and collaboration between athletes, sports organizations, sponsors, and other stakeholders, fostering productive relationships and mutually beneficial partnerships. Agents act as liaisons, mediators, and problem-solvers, resolving conflicts, addressing concerns, and promoting collaboration to

⁶¹ Bull, William, and Michael Faure. "Agents in the sporting field: a law and economics perspective." *The International Sports Law Journal* 22.1 (2022): 17-32.

⁶² Moeletsi, Donald Tshepiso Molefe. *Athlete-agent agency in the South African Sport Industry*. Diss. University of Johannesburg (South Africa), (2019).

⁶³ Park, Justin. "The Role of Athlete-Agents and the Law: A Conflict of Interest?." *Brigham Young University Prelaw Review* 29.1 (2015): 10.

achieve common goals. Their role as facilitators of dialogue and cooperation is instrumental in building trust, fostering transparency, and driving positive change within the sports industry⁶⁴.

2.5 Challenges Faced by Agents in Dealing with Athlete Contracts

Dual roles and conflicts of interest: Studies highlight the potential for conflicts of interest when agents represent both athletes and clubs. This dual role can create situations where the agent prioritizes the club's interests over the athlete's, compromising the athlete's rights and well-being. When agents represent both athletes and clubs, they may prioritize securing lucrative deals for the club, even if it comes at the expense of the athlete's compensation or contractual terms. This can lead to situations where athletes receive unfair contracts with unfavorable clauses or miss out on potential opportunities due to the agent's conflicting loyalties. Shropshire et al.⁶⁵ explored this issue in his research on football agents, finding evidence of unethical practices where agents prioritized club interests over player well-being.

The dual role also creates a lack of transparency for athletes, who may not be fully aware of the agent's negotiations with the club or the potential conflicts of interest involved. This power imbalance can disadvantage athletes, making them more susceptible to exploitation and unfair treatment. Bull & Faure⁶⁶ emphasized this power dynamic in their study on athlete agents, highlighting the need for clear ethical guidelines and stricter regulations to prevent conflicts of interest.

Financial exploitation and lack of transparency: Research reveals the risk of financial exploitation by agents, particularly when athletes lack transparency regarding the financial details of their contracts. Athletes may be unaware of the agent's commission structure or hidden fees associated with their contracts. This can lead to situations where agents take excessive commissions or engage in fraudulent practices,

⁶⁴ Mikinyango, Asha. "The Emergence of Sports Law in Kenya." *Law, Ethics, and Integrity in the Sports Industry*. IGI Global, (2019). 241-262.

⁶⁵ Shropshire, Kenneth L., Timothy Davis, and N. Jeremi Duru. *The business of sports agents*. University of Pennsylvania Press, (2016).

⁶⁶ Bull, William, and Michael Faure. "Agents in the sporting field: a law and economics perspective." *The International Sports Law Journal* 22.1 (2022): 17-32.

leaving athletes financially disadvantaged. Masteralexis⁶⁷ conducted a study on athlete agents in developing countries, uncovering widespread cases of financial exploitation where athletes were unaware of the true financial implications of their contracts.

Young athletes, eager to break into professional sports, may lack financial literacy and rely heavily on their agents to handle their finances. This vulnerability makes them susceptible to manipulation and exploitation by agents who prioritize personal gain over the athlete's financial well-being. Moeletsi⁶⁸ explored this issue in his research on female athletes, highlighting the need for financial education and independent financial advisors to protect athletes from exploitation.

The need for professional standards and regulations: Research emphasizes the need for professional standards and regulations for athlete agents to ensure ethical practices and protect athlete rights. Establishing clear ethical codes and professional guidelines for agent conduct is crucial. This includes outlining acceptable practices, preventing conflicts of interest, and ensuring transparency in financial dealings. Maguire (2018) advocated for the implementation of stricter ethical codes for agents, emphasizing the need to prioritize athlete well-being and fair representation.

Effective regulations require independent oversight bodies to monitor agent conduct, investigate potential misconduct, and hold agents accountable for unethical practices. Park⁶⁹ explored the importance of regulatory bodies with the power to sanction agents who engage in exploitation or breach of ethical codes. By addressing these issues and implementing robust regulations, we can ensure that agents act as responsible advocates for athletes, protecting their rights and well-being beyond the legal representation they provide.

⁶⁷ Masteralexis, Lisa Pike. "The law of agency and athlete agents." *Sport Law*. Routledge, (2020). 197-225.

⁶⁸ Moeletsi, Donald Tshepiso Molefe. *Athlete-agent agency in the South African Sport Industry*. Diss. University of Johannesburg (South Africa), (2019).

⁶⁹ Park, Justin. "The Role of Athlete-Agents and the Law: A Conflict of Interest?." *Brigham Young University Prelaw Review* 29.1 (2015): 10.

2.5 Effectiveness of current mechanisms for resolving contractual disputes between athletes, sports organizations, and agents

While Uganda has established a legal framework for addressing athlete disputes, the effectiveness of current mechanisms requires critical evaluation and areas for improvement remain:

While the Industrial Court of Uganda presents a crucial avenue for athletes facing contractual violations, its accessibility can be significantly hampered by two key factors: financial constraints and logistical challenges. Legal representation and navigating court proceedings often require substantial financial resources, potentially deterring athletes with limited means from pursuing their claims. Additionally, the geographical distribution of Industrial Court of Uganda and potential delays within the court system can lead to lengthy and inconvenient processes, especially for athletes residing far from major urban centers or facing lengthy case backlogs. This combination of financial and logistical hurdles can discourage athletes from seeking legal recourse, hindering their ability to effectively enforce their contractual rights through the Industrial Court of Uganda system⁷⁰.

Furthermore, while arbitration clauses offer potential advantages like speed and lower costs compared to court proceedings, their prevalence in athlete contracts raises significant concerns regarding transparency and the ability to challenge unfavorable outcomes. Unlike public court proceedings, arbitration often lacks public scrutiny, potentially hindering accountability and fostering a system where unfair practices may go unchecked. Additionally, arbitration awards may not be subject to appeal, unlike court decisions. This limited avenue for recourse restricts athletes' ability to challenge potentially biased or flawed arbitration decisions, leaving them with potentially final and unjust outcomes that significantly impact their careers and livelihoods⁷¹.

⁷⁰ Lubogo, Isaac C. "Law of sports and entertainment in Uganda." (2021).

⁷¹ Waihenya, Jacqueline. "Levelling The Playing Field: Institutionalizing Mediation in The Sports Arena." *ADR Journal Vol10 (2)* (2022).

The National Council of Sports (NCS) also plays a crucial role in regulating athlete agents; however, effective enforcement faces significant hurdles due to two key challenges: resource constraints and limited awareness among athletes. Firstly, the NCS may lack sufficient manpower and funding to adequately monitor agent activities, investigate potential misconduct, and ensure compliance with regulations. This can lead to situations where unethical practices go undetected or unpunished, undermining the effectiveness of the regulatory framework. Secondly, many athletes, particularly young or inexperienced ones, may not be fully aware of their rights, the specific regulations governing agents, or the mechanisms available to report unethical behavior. This lack of awareness hinders athletes' ability to hold agents accountable and creates a vulnerability to exploitation, ultimately weakening the overall effectiveness of agent regulations in protecting athletes⁷².

The negotiation process for athlete contracts often presents a significant power imbalance, particularly for young or inexperienced athletes facing established sports organizations. This imbalance arises due to two main factors: limited bargaining power and pressure from the organization. Athletes, especially those at the beginning of their careers, often lack the resources, connections, and experience to negotiate favorable terms, potentially leading to contracts that heavily favor the organization. Additionally, the strong desire to secure opportunities and the fear of jeopardizing their careers can create undue pressure on athletes to accept unfavorable terms, even if they violate their rights or exploit their vulnerabilities. This power imbalance can result in contracts with unfair compensation, restrictive clauses, or limited protection from exploitation, ultimately hindering athletes' ability to secure fair treatment and maximize their earning potential within the sporting industry⁷³.

Even with legal frameworks in place, athletes facing contractual disputes often lack access to dedicated support systems, further hindering their ability to effectively enforce their rights. Firstly, the availability of affordable legal counsel specializing in

⁷² Mikinyango, Asha. "The Emergence of Sports Law in Kenya." *Law, Ethics, and Integrity in the Sports Industry*. IGI Global, (2019). 241-262.

⁷³ Majani, Felix. *Sports Law in Kenya*. Kluwer Law International BV, (2022).

sports law can be scarce in Uganda. This specialized knowledge is crucial for navigating the complexities of athlete contracts and pursuing legal remedies effectively. The high cost of such legal representation can be a significant barrier, particularly for athletes with limited financial resources. Secondly, athlete associations in Uganda may lack the resources or expertise to provide comprehensive support and guidance in navigating contractual disputes. These associations might not have the manpower, legal knowledge, or financial capacity to offer athletes the level of support needed to understand their rights, challenge unfair clauses, or pursue legal action when necessary. This lack of specialized support systems creates an uneven playing field, leaving athletes vulnerable and potentially unable to effectively defend their rights within the existing legal framework⁷⁴.

Beyond legal frameworks, cultural norms and social pressures can create significant barriers for athletes seeking legal recourse in contractual disputes. The fear of being ostracized or labeled as “troublemakers” within the tight-knit sporting community can deter athletes from pursuing legal avenues. This stigma can arise from the perception that challenging established organizations disrupts the harmony within the sporting environment. Additionally, limited faith in the efficiency and fairness of the legal system can further discourage athletes from seeking legal solutions. This lack of trust may stem from experiences with lengthy court processes, perceived bias within the legal system, or a general sense of powerlessness against larger organizations. These cultural and social barriers create a chilling effect, discouraging athletes from asserting their rights and potentially leading to a culture of accepting unfair treatment or exploitation within the sporting landscape⁷⁵.

Empowering athletes and fostering a culture of awareness are crucial steps in strengthening the effectiveness of existing dispute resolution mechanisms. Athlete education programs focused on their rights, available support systems, and dispute resolution options are essential. This knowledge empowers athletes to make informed

⁷⁴ Andrews, Matt. *The limits of institutional reform in development: Changing rules for realistic solutions*. Cambridge University Press, (2013).

⁷⁵ Makwetu, Ntombethemba Ethel. *Effectiveness of the Regulatory Framework for Sports Rights in the South African Television Sector*. Diss. University of the Witwatersrand, Faculty of Humanities, (2019).

decisions regarding their contracts, understand potential red flags, and confidently seek help when facing unfair treatment. Additionally, public awareness campaigns can play a vital role in shifting the narrative. Highlighting the importance of athlete rights and fair treatment within the sporting landscape can create a more supportive environment where athletes feel empowered to challenge unfair practices and seek recourse without fear of stigma. By fostering a culture of awareness and education, both among athletes and the public, Uganda can create a more level playing field where athletes have the knowledge and confidence to effectively utilize existing legal frameworks and advocate for their fair treatment within the sporting industry⁷⁶.

2.6 Conclusion

This empirical review highlights the importance of examining the non-legal aspects of athlete contracts. Understanding power imbalances, cultural factors, and mental health considerations is crucial for ensuring fair and sustainable athlete experiences. Additionally, exploring informal conflict resolution, limited legal support, and the influence of media and public scrutiny sheds light on the complexities of navigating contractual disputes. Finally, analyzing the potential for conflicts of interest, financial exploitation, and the need for professional standards for agents provides insights into the broader ecosystem surrounding athlete contracts. By acknowledging these non-legal aspects, we gain a more complete understanding of the challenges and opportunities faced by athletes within the contractual framework.

⁷⁶ Ibid

CHAPTER THREE

LEGAL REGIME GOVERNING ATHLETE CONTRACTS: RIGHTS, DISPUTES, AND AGENT ROLES

3.0 Introduction

This chapter reviews best practices on the different legal frameworks available in different countries on athlete contracts including their rights, disputes and agent roles. Therefore this chapter aims at showing how the laws globally, regionally and locally have ensured a balance in maintaining the sports industry through the legal and regulatory framework available in each of these countries.

3.1 Foreign Perspective on Legal Regime Governing Athlete Contracts

3.1.1 Legal regime governing athlete contracts in USA

Athlete contracts in the US are governed by a combination of state law and collective bargaining agreements (CBAs) negotiated between players' unions and professional leagues. These CBAs, exemplified by the National Football League (NFL) Collective Bargaining Agreement, establish minimum salary standards, rules for free agency, and procedures for addressing grievances. They serve as the foundation for contract negotiations, ensuring a level playing field and fair treatment of athletes within their respective leagues⁷⁷.

Athletes in the US also possess individual rights under common law principles, including the right to fair compensation, freedom of contract, and protection from exploitation. These rights are enforceable through legal action in state courts, providing athletes with recourse in the event of contract disputes or violations. The legal system offers athletes a platform to challenge unfair clauses or practices,

⁷⁷ Mitten, Matthew J. "Sports law in the United States." *Sports Law in the United States* (2017): 1-268.

safeguarding their interests and promoting equitable treatment within the sports industry⁷⁸.

A case in point is *Fraser vs. Major League Soccer*⁷⁹: In this landmark case, a federal court ruled that Major League Baseball's anti-trust exemption did not shield it from legal action by players alleging unfair labor practices. The court's decision affirmed the rights of athletes to challenge unfair clauses or practices within their contracts through legal means, setting a precedent for protecting player rights and promoting fairness in professional sports leagues. This case underscored the significance of legal avenues in addressing contractual disputes and ensuring accountability within the sports industry.

Another case in point is *Sonny Liston vs. Cassius Clay (1964)*⁸⁰: Liston was the reigning heavyweight champion and heavily favored to win the bout against the up-and-coming Clay (later known as Muhammad Ali). However, Liston unexpectedly quit after the sixth round, claiming a shoulder injury. Many suspected that the fight was fixed, and an investigation was launched. Ultimately, no charges were filed, but the scandal led to increased scrutiny of the sport and the creation of the Muhammad Ali Boxing Reform Act in 2000, which aimed to protect boxers from exploitation and corruption.

Furthermore, disputes arising from athlete contracts in the US can be resolved through a variety of mechanisms designed to provide efficient and fair resolution. Many athlete contracts include mandatory arbitration clauses, which require disputes to be settled through private arbitration rather than traditional court proceedings. Arbitration offers a more streamlined and confidential process, often resulting in quicker resolutions and reduced legal costs for both parties involved. However, critics

⁷⁸ Nafziger, James. "International sports law." *International Sports Law*, 2d ed.. Brill Nijhoff, (2021).

⁷⁹ Fraser vs. Major League Soccer [2002] <https://casetext.com/case/fraser-v-major-league-soccer-llc>: Accessed, 20/04/2024.

⁸⁰ Sonny Liston vs. Cassius Clay [1964] https://en.wikipedia.org/wiki/Muhammad_Ali_vs._Sonny_Liston: Accessed, 20/04/2024.

argue that arbitration may favor teams or leagues, potentially limiting athletes' ability to secure favorable outcomes⁸¹.

Professional sports leagues typically establish internal grievance procedures for resolving disputes between athletes and teams. These procedures, outlined in collective bargaining agreements and league regulations, provide a structured framework for addressing contract disputes, disciplinary actions, and other issues. While league-specific grievance procedures offer a formal mechanism for resolving conflicts, they may be subject to biases or conflicts of interest inherent within the league's governing structure⁸².

Athletes also have the option to pursue legal action in state courts if they believe their contract has been breached or their rights have been violated. Litigation offers athletes the opportunity to present their case before a judge or jury and seek remedies such as monetary damages or injunctive relief. However, litigation can be a lengthy and costly process, often involving complex legal arguments and extensive discovery proceedings. Additionally, court decisions may set legal precedents that impact the rights and obligations of athletes in future contractual disputes⁸³.

In addition, athletes in the US often rely on licensed agents to navigate the complexities of contract negotiations, financial management, and career guidance. These agents serve as advocates for athletes, leveraging their expertise and negotiating skills to secure lucrative contracts, endorsement deals, and other opportunities. By representing the best interests of their clients, agents play a vital role in maximizing athlete earnings, protecting their rights, and fostering long-term career success.

Recognizing the potential for conflicts of interest and unethical behavior, sports associations like the National Football League Players Association (NFLPA) have

⁸¹ Koller, Dionne L. "Putting Public Law into" Private" Sport." *Pepp. L. Rev.* 43 (2015): 681.

⁸² Burley, Z. (2015). Ethics and Sport Dispute Resolution in Sport: Athletes, Law and Arbitration. *Arbitration Law Review*, 7(1), 339-355.

⁸³ Cisneros, B. (2020). Challenging the call: Should sports governing bodies be subject to judicial review?. *The International Sports Law Journal*, 20(1), 18-35.

implemented stringent regulations governing agent conduct. These regulations aim to uphold professional standards, promote transparency, and safeguard the interests of athletes. Among other requirements, agents are typically required to obtain licensing, disclose any potential conflicts of interest, and adhere to a code of ethics that prioritizes the welfare of their clients⁸⁴.

3.1.2 Legal regime governing athlete contracts in Europe

Athlete contracts in the UK operate within a legal framework that combines individual contracts, collective bargaining agreements, and common law principles. These contracts establish the rights and obligations of athletes, specifying terms related to compensation, duration, and performance expectations. Additionally, the UK Sports Council plays a significant role in setting ethical standards and promoting athlete welfare, ensuring that contractual arrangements align with principles of fairness, transparency, and integrity. By providing guidance and oversight, the UK Sports Council contributes to the establishment of a conducive environment for athlete contracts that prioritizes the well-being and interests of athletes⁸⁵.

Disputes arising from athlete contracts in the UK are typically addressed through mechanisms embedded within the contractual agreements. Arbitration clauses, commonly included in athlete contracts, provide a mechanism for resolving disputes through private arbitration, offering a streamlined and efficient alternative to traditional litigation. Moreover, professional leagues often institute league-specific dispute resolution mechanisms, providing athletes with avenues for addressing grievances internally. These mechanisms aim to facilitate prompt and fair resolution of disputes, minimizing disruptions to sporting activities and preserving the integrity of contractual relationships⁸⁶.

Agents play a crucial role in representing athletes' interests and negotiating contractual agreements in the UK, similar to their role in the US. However,

⁸⁴ Gardiner, S., Welch, R., Boyes, S., & Naidoo, U. (2012). *Sports law*. Routledge.

⁸⁵ Bull, William, and Michael Faure. "Agents in the sporting field: a law and economics perspective." *The International Sports Law Journal* 22.1 (2022): 17-32.

⁸⁶ Cattaneo, Andrea, and Richard Parrish. "Sports law in the European Union." (2020): 1-248.

regulations exist to govern agent conduct, prevent conflicts of interest, and uphold ethical standards. By adhering to regulatory requirements, agents ensure transparency, accountability, and fairness in their dealings with athletes and other stakeholders. The role of agents in the UK extends beyond contract negotiation to encompass financial management, career guidance, and advocacy on behalf of athletes, contributing to the overall professionalism and effectiveness of athlete representation⁸⁷.

The case of *Union Royale Belge des Societes de Football Association (ASBL) vs. Bosman*⁸⁸ stands as a landmark legal precedent with far-reaching implications for athlete contracts on an international scale. In this case, the European Court of Justice ruled that professional athletes within the European Union have the right to freely move between clubs upon the expiration of their contracts, effectively abolishing restrictions on player mobility and empowering athletes with greater autonomy over their careers. The Bosman ruling revolutionized the legal landscape for athlete contracts, reshaping the dynamics of player recruitment, compensation, and contractual negotiations not only in Europe but also influencing legal developments globally.

3.2 Perspective on Legal Regime Governing Athlete Contracts in African Countries

3.2.1 Legal regime governing athlete contracts in South Africa

In South Africa, the constitutional protections for athletes go beyond mere legal statutes; they represent fundamental rights enshrined in the country's Constitution. These protections ensure that athletes are entitled to fair labor practices and are shielded from any form of exploitation within the sports industry. The National Sport and Recreation Act 2007 and the Basic Conditions of Employment Act serve as pillars within the legal framework governing athlete contracts, providing comprehensive guidelines that cover various aspects of athletes' rights and obligations. These

⁸⁷ Pijetlovic, Katarina. *EU sports law and breakaway leagues in football*. The Hague: Asser Press, (2015).

⁸⁸ Kararı, B. *Union Royale Belge des Sociétés de Football Association ASBL v Jean-Marc Bosman*. [1995] C-415/93 (Avrupa Adalet Divanı Aralık 15, 1995).< <http://curia.europa.eu/juris/showPdf.jsf>.

statutes establish standards not only for fair treatment but also for equitable compensation, ensuring that athletes receive remuneration commensurate with their contributions to their respective sports. Moreover, they outline working conditions that prioritize the well-being and welfare of athletes, thereby fostering an environment conducive to their professional development and success.

Furthermore, in South Africa, the resolution of contractual disputes involving athletes is facilitated by a range of judicial and quasi-judicial bodies, each offering distinct avenues for recourse. The Commission for Conciliation, Mediation, and Arbitration (CCMA) serves as a primary forum for resolving disputes through mediation and arbitration, offering a less formal and more expedient alternative to traditional court proceedings. The Industrial Court of Uganda specializes in adjudicating disputes related to employment contracts, including those within the sports sector, ensuring that athletes are afforded due process and fair treatment under the law. Additionally, the High Court provides a more formal legal recourse for athletes seeking resolution to complex or high-stakes contractual disputes, offering comprehensive legal remedies and judicial oversight. These channels collectively offer athletes a spectrum of options for addressing grievances, promoting accountability, and upholding the integrity of athlete contracts within the South African sports landscape.

The regulation of athlete agents by the South African Sports Confederation and Olympic Committee (SASCOC) is essential for ensuring transparency, accountability, and ethical conduct in athlete representation. Through mandatory registration requirements and professional conduct guidelines, SASCOC aims to safeguard the interests of athletes, preventing exploitation and misconduct by agents. By vetting and overseeing the activities of agents, SASCOC plays a crucial role in maintaining the integrity of athlete contracts, fostering trust between athletes and their representatives, and promoting a fair and equitable sports environment in South Africa. This regulatory framework serves to uphold ethical standards, mitigate conflicts of interest, and uphold the rights of athletes within the realm of athlete contracts and representation.

In the landmark case of *ABC Sports Management Ltd v Botha*⁸⁹ dealt with a contractual dispute between a sports agent (ABC Sports Management) and their client, a professional rugby player (Gary Botha). The key issue revolved around a breach of the agent agreement. ABC Sports Management had an exclusive two-year contract to represent Botha in contract negotiations with potential employers in the UK and France. However, Botha negotiated his own contract directly with a club in France without involving the agency. The case highlights several aspects relevant to athlete contracts: The core of the case focused on Botha's actions being considered a breach of the exclusive representation agreement. This emphasizes the binding nature of athlete contracts and the potential legal consequences for athletes who violate their terms.

Furthermore, the case involved the agent's claim to contractual damages based on the missed commission they would have earned had they negotiated the contract with the French club. This highlights the financial implications associated with athlete contracts and the role of agents in securing compensation for their clients. The case also emphasizes the importance of a clear principal-agent relationship within athlete contracts. While Botha argued he contracted with the agent in his personal capacity, the court likely upheld the professional nature of the agreement, highlighting the agent's role as a legal representative. Therefore, this case serves as a reminder of the legal obligations athletes have within their contracts and the potential repercussions for breaching them, particularly regarding agent representation and financial compensation.

3.2.2 Legal regime governing athlete contracts in Nigeria

In Nigeria, athlete contracts are governed by the Labour Act and the National Sports Commission Act, which establish the legal framework for regulating labor relations and sports activities, respectively. These laws outline the rights and obligations of athletes, including provisions for fair compensation, working conditions, and dispute

⁸⁹ *ABC Sports Management Ltd v Botha*, [2013] SAFLII (South African Legal Information Institute): <https://www.saflii.org>: Accessed, 20/04/2024.

resolution mechanisms. However, challenges persist in effectively enforcing these regulations and protecting athlete rights due to factors such as limited resources, inadequate infrastructure, and administrative inefficiencies within sports governing bodies. Despite the existence of legislative frameworks, the practical implementation and enforcement of athlete rights in Nigeria remain a subject of concern⁹⁰.

In Nigeria, contractual disputes between athletes and sports organizations are typically resolved through legal avenues such as the National Industrial Court or through arbitration clauses stipulated within the contract. While the National Industrial Court provides a formal judicial forum for resolving disputes related to athlete contracts, arbitration offers an alternative method for resolving conflicts through private adjudication. However, the effectiveness of these dispute resolution mechanisms may be hindered by factors such as procedural delays, legal costs, and disparities in bargaining power between athletes and sports entities⁹¹.

The regulation of athlete agents in Nigeria falls under the purview of the National Sports Commission, which oversees the licensing and conduct of agents operating within the sports industry. Despite regulatory oversight, challenges persist in enforcing compliance with agent regulations due to limited resources, inadequate monitoring mechanisms, and the prevalence of informal agent networks. The role of agents in negotiating athlete contracts and managing athlete affairs remains significant, but concerns regarding transparency, accountability, and ethical conduct underscore the need for strengthened regulatory frameworks and enforcement mechanisms⁹².

3.2.3 Legal regime governing athlete contracts in Kenya

In Kenya, athlete contracts are underpinned by the legal framework provided by the Kenyan Constitution and the Sports Act. These laws establish the rights and

⁹⁰ Ogbah, Johnny-Precious. *Supervised autonomy and its impact on Nigerian sports*. Diss. Loughborough University, 2022.

⁹¹ Eribake, Ayomide. "The Labour Rights of Footballers: A Case Study of the Nigerian Professional Football League (NPFL)." *Available at SSRN 3988718* (2021).

⁹² Olusanya, Adedotun Opeyemi O. "Legal Framework of Sports Broadcast in Nigeria: the Nigerian Perspective." *Available at SSRN 4476091* (2013).

obligations of athletes, including provisions for fair compensation, working conditions, and dispute resolution. However, challenges persist, particularly in informal sporting sectors, where athletes may face exploitation or unfair treatment due to the absence of robust regulatory mechanisms and enforcement mechanisms. Despite the legal framework in place, the effective protection of athlete rights remains a pressing concern, necessitating further reforms and interventions to ensure equitable contractual arrangements and uphold the dignity and welfare of athletes⁹³.

Disputes arising from athlete contracts in Kenya can be addressed through various channels, including legal forums and arbitration mechanisms. The Industrial Court serves as a specialized judicial body tasked with adjudicating labor-related disputes, providing athletes with a formal avenue for seeking redress in cases of contract breaches or unfair treatment. Additionally, arbitration clauses within athlete contracts offer a means of resolving disputes through alternative dispute resolution methods, promoting efficiency and flexibility in addressing contractual disagreements. However, access to justice and the effectiveness of dispute resolution mechanisms may be limited by factors such as legal costs, procedural complexities, and resource constraints, underscoring the need for accessible and efficient mechanisms for resolving contractual disputes⁹⁴.

The Sports Act of Kenya, 2013 established a Sports Disputes Tribunal. This Tribunal is vested with the powers to handle disputes relating to contracts, those concerning disciplinary issues of athletes, doping, disputes arising from selection for international competitions, to mention but a few. This Court has both original and appellate jurisdiction. It has original jurisdiction in disputes concerning international athletes, say over issues like doping, and has appellate jurisdiction in disputes concerning domestic and/or local athletes in appeals arising from disciplinary decisions for

⁹³ Majani, Felix. *Sports Law in Kenya*. Kluwer Law International BV, (2022).

⁹⁴ Muigua, Kariuki. "Promoting Sports Arbitration in Africa." *Alternative Dispute Resolution* (2019): 1.

instance. Appeals from the Tribunal are lodged with the Court of Arbitration for Sport (CAS) in Lausanne, Switzerland⁹⁵.

The regulation of athlete agents in Kenya falls under the purview of the Anti-Doping Agency of Kenya (ADAK), which mandates registration and adherence to ethical standards for all athlete representatives. By overseeing the activities of agents, ADAK aims to promote integrity, transparency, and professionalism in athlete representation, safeguarding the interests of athletes and maintaining the integrity of the sports industry. However, challenges such as inadequate enforcement mechanisms and regulatory loopholes may undermine the effectiveness of agent regulation, necessitating ongoing efforts to strengthen oversight and accountability in athlete representation.

The case of *Douglas Mokaya vs. Bandari FC*⁹⁶ serves as a notable example of a contractual dispute within the Kenyan sporting context. In this case, former Bandari midfielder Douglas Mokaya is suing the club for Sh. 2 million, claiming his contract was unfairly terminated without just cause and proper procedures. While Bandari maintains they acted within their contractual rights to terminate with one-month notice, Mokaya argues this clause requires a valid reason for termination, which he believes was absent in his case. He also contests the club's claim of paying him the stipulated one-month salary upon termination. This case highlights the crucial role of clear termination clauses with the concept of "just cause" and procedural fairness within athlete contracts, ensuring both parties understand the grounds and procedures for contract termination.

3.3 Domestic perspective on legal regime governing athlete contracts

3.3.1 Legal regime governing athlete contracts in Uganda

Constitution of the Republic of Uganda 1995 (as amended) enshrines fundamental rights applicable to athletes, including the right to fair labor practices and protection

⁹⁵ Bulinda, Mugala Hannington, and Wahome Peninah. "Unbundling The Kenyan Sports Act: Role, Challenges And Opportunities In The Kenyan Sports Act 2013." *European Journal of Physical Education and Sport Science* (2018).

⁹⁶ Douglas Mokaya vs. Bandari FC, [2023] Petition filed August, 2023

from exploitation. These rights are further elaborated upon in three key pieces of legislation:

Contract Act 2010. Section 10⁹⁷ defines contract as an agreement made with free consent of parties with capacity to contract for a lawful consideration and with a lawful object with the intention to be legally bound. Therefore this implies that in order for a contract to be valid there must be an offer, acceptance, lawful consideration and consent of both of the parties. The same Act stipulates under Section 120 that for one to act as an agent he/she must be eighteen years or above, must be of sound mind and must not be disqualified from acting as an agent by any law to which he or she is subject.

Employment Act 2006⁹⁸: The Employment Act serves as a vital safety net for Ugandan athletes, ensuring fair treatment within their contracts⁹⁹. It mandates minimum wage, preventing exploitation, regulates working hours and overtime to promote a healthy work-life balance, guarantees leave entitlements for rest and recovery, and outlines fair procedures for contract termination, protecting athletes from arbitrary dismissal and ensuring they receive due compensation. This legal framework safeguards athletes from unfair labor practices, fostering a more secure and equitable environment for their professional endeavors in Ugandan sports¹⁰⁰.

The National Sports Act, 2023¹⁰¹: This Act marks a significant overhaul of sports governance in Uganda. It mandates mandatory registration of all national sports associations and federations with the National Council of Sports (NCS), ensuring greater transparency and accountability. Furthermore, it clarifies the distinction between associations and federations, allows existing entities to maintain international affiliations while ensuring compliance with the Act, and outlines specific governance structures and dispute resolution mechanisms within these bodies. This

⁹⁷ Contract Act, 2010

⁹⁸ The Employment Act, 2006

⁹⁹ Uganda Legal Information Institute (ULII): <https://ulii.org/akn/ug/act/2006/6>

¹⁰⁰ Ochieng, Amos, Ingrid J. Visseren-Hamakers, and René van der Duim. "The battle over the benefits: analysing two sport hunting policy arrangements in Uganda." *Oryx* 52.2 (2018): 359-368.

¹⁰¹ The National Sports Act, 2023

comprehensive Act aims to streamline sports governance, promote democratic practices, and create a more robust legal framework for athlete well-being and fair play within the Ugandan sporting landscape.

Contractual Disputes:

Disputes arising from athlete contracts in Uganda can be resolved through two primary mechanisms:

Industrial Court of Uganda: The Industrial Court of Uganda serves as a specialized judicial body within Uganda specifically designed to handle disputes arising from employment contracts. Athletes who believe their contractual rights have been violated can file a complaint with the Industrial Court of Uganda, seeking remedies such as compensation for unpaid wages or reinstatement in their positions in cases of wrongful termination. This court plays a crucial role in safeguarding the rights of athletes by providing a dedicated platform for resolving contractual disputes. Through the Industrial Court of Uganda, athletes can pursue legal action to ensure fair treatment, receive just compensation for their labor, and challenge any unfair practices or breaches of their contractual agreements¹⁰².

Arbitration clauses: Arbitration clauses are frequently included in Ugandan athlete contracts, mandating the resolution of disputes through private arbitration instead of the Industrial Court of Uganda. While arbitration offers potential advantages like speed and lower costs, it's crucial to recognize the limitations it can impose. Unlike court proceedings, athletes may have limited access to broader legal protections and remedies, including the right to appeal arbitration decisions, which may not always be available¹⁰³.

¹⁰² Kirema, F. (2018). An assessment of the law relating to unfair termination of employment contract in Uganda.

¹⁰³ Waihenya, J. (2022). Levelling The Playing Field: Institutionalizing Mediation in The Sports Arena. *ADR Journal Vol10* (2).

Role of Agents:

Contract negotiation and representation: Athlete agents play a crucial role in contract negotiation and representation, acting as the athlete's intermediary with sports organizations. Their primary function is to secure the best possible terms for their client by understanding the athlete's value in the market, staying up-to-date on industry trends, and possessing a strong grasp of legal aspects within athlete contracts¹⁰⁴. Agents leverage their expertise in contract law, negotiation strategies, and the specific dynamics of the Ugandan sporting industry to advocate for the athlete's rights and ensure fair compensation. This includes negotiating favorable clauses regarding salary, bonuses, playing time, termination clauses, and other relevant aspects that safeguard the athlete's well-being and career progression throughout the contract duration.

Career management and guidance: Beyond contract negotiations, athlete agents often act as career advisors, guiding athletes in setting realistic goals and identifying suitable opportunities that align with their aspirations and career trajectory. This involves assisting with club selection during transfers, facilitating smooth transitions, and maximizing the athlete's value in the market. Agents can also contribute to building and marketing the athlete's brand through strategic partnerships and endorsement deals, potentially generating additional income streams that complement the athlete's base salary and contribute to their overall financial well-being¹⁰⁵.

Legal and financial support: Athlete agents with legal expertise can offer valuable guidance on the legal intricacies of athlete contracts, ensuring compliance with Ugandan regulations and protecting athletes from exploitation or unfair contractual terms. Additionally, some agents provide financial management services, assisting athletes in budgeting their income effectively, making sound financial decisions

¹⁰⁴ Bull, William, and Michael Faure. "Agents in the sporting field: a law and economics perspective." *The International Sports Law Journal* 22.1 (2022): 17-32.

¹⁰⁵ Moeletsi, Donald Tshepiso Molefe. *Athlete-agent agency in the South African Sport Industry*. Diss. University of Johannesburg (South Africa), (2019).

throughout their careers, and potentially planning for their financial well-being beyond their athletic careers. This comprehensive support helps athletes navigate the complexities of the sporting industry and make informed decisions that safeguard their long-term financial security¹⁰⁶.

Furthermore, the National Council of Sports plays a crucial role in regulating athlete agents in Uganda. Agents are required to be registered with the NCS and adhere to established professional conduct guidelines. These guidelines aim to prevent conflicts of interest, ensure transparency in financial dealings, and protect athletes from unethical practices by agents. Despite the National Council of Sports' role in regulating athlete agents, challenges remain in effectively enforcing these regulations. Resource constraints within the NCS can limit their capacity to thoroughly monitor and investigate potential breaches by agents. Additionally, limited awareness among athletes about their rights and the available support mechanisms can hinder their ability to report unethical practices or seek recourse when necessary.

Addressing these challenges requires a multi-pronged approach. Increased funding and resources for the NCS would allow for more robust monitoring and enforcement of regulations. Additionally, educational initiatives aimed at athletes can raise awareness about their rights, available support systems, and the mechanisms for reporting misconduct by agents. When agents engage in unethical practices, the consequences can be severe for both athletes and the sporting landscape as a whole. Conflicts of interest, where an agent represents multiple athletes within the same team, can create situations where the agent prioritizes personal gain over the best interests of their clients. Similarly, a lack of transparency in financial dealings can leave athletes vulnerable to exploitation or mismanagement of their finances. These unethical practices can damage athlete trust, hinder their career development, and ultimately cast a negative shadow on the integrity of Ugandan sports.

¹⁰⁶ Shropshire, Kenneth L., Timothy Davis, and N. Jeremi Duru. *The business of sports agents*. University of Pennsylvania Press, (2016).

The case of *Disan Galiwango vs. Express F.C* serves¹⁰⁷ as a significant example of legal recourse available to athletes in Uganda. Disan Galiwango left Express Football Club for Vipers Sports Club, reigning league champions of the Uganda Super League in June 2020. Express Football Club vehemently contested this transfer arguing that the player was still contracted to them alleging that Galiwango had been paid UGX 15m (Uganda Shillings Fifteen Million) in a bid to tie him down to a contract extension after his contract had run out at the end of the 2020/21 season. This allegedly is well documented in some sort of pre-contract. The player allegedly disregarded all of this and put pen to paper to a four-year contract with Vipers thus breaching his contract with Express 'Mukwano Gw'abangi'. Express led by their Chairman, a lawyer of naught in Uganda, Kiryowa Kiwanuka was not going to take this lying down, they came out breathing fire and threatened legal action.

Subject to the Federation of Ugandan Football Associations (FUFA) Ethics and Disciplinary Code which came into force in April 2020, Express Football Club subjected the dispute to the FUFA Dispute Resolution Chamber. The Code attempts to establish a self-contained dispute resolution mechanism by setting up a 'Dispute Resolution Chamber' and an appellate mechanism to the FUFA Appeals Committee to boot. In a decision released on the 2nd of September, 2020, FUFA held Disan Galiwango in breach of contract and ruled that he should refund the UGX 15m (Uganda Shillings Fifteen Million) and a pay a further UGX 25m (Uganda Shillings Twenty Five Million) as damages to Express Further, the Dispute Resolution Chamber held that the player would only be granted a license to play in the upcoming league season after complying with the ruling. The player through his agent has indicated his intention to appeal the decision. This dispute speaks to the need for the professionalization of the sports industry in Uganda since sports is big and serious business globally.

Another case in point is the Onduparaka and Bright Stars contractual dispute over Remex Kasozi., where the Federation of Uganda Football Association (FUFA) ordered Onduparaka to pay Ugshs 5 million to bright stars over the contractual dispute of

¹⁰⁷ Disan Galiwango vs. Express F.C serves [2020] Dated at FUFA House 1st day of September.2020

Remex Kasozi who joined Onduparaka from Bright Stars in September 2018 for a fee of Ugshs 10 million, an amount which was not paid by the club. Bright stars forwarded complaints to FUFA seeking intervention. The dispute Resolution Chamber ruled that “The settlement agreement executed by Bright stars and Onduparaka is hereby ratified by the Chamber and its terms incorporated in the decision”. And reads a statement from the federation that “Star Times Uganda Premier League is directed to deduct Ugshs 5m from any amounts due to Onduparaka FC and furnish the same to Bright Stars FC as payment for the transfer of Remex Kasozi.

Though some strides have been made, Uganda is still miles away from having a professional sports ecosystem. Word has it that a Sports and Physical Activity Bill has been mooted for some time now to replace the relic that is the National Council of Sports Act, 1964.

3.4 Comparison of legal regimes

While international and regional frameworks provide general principles and minimum standards, domestic legislation plays a crucial role in enforcing these principles and ensuring the specific rights and obligations of athletes within each country. International frameworks, such as the Olympic Charter and the International Labour Organization (ILO) declarations, provide broad principles and minimum standards for athlete rights and obligations. These frameworks lay the foundation for fair treatment and establish core principles like non-discrimination and protection from exploitation.

Regional bodies like the African Union (AU) or the East and Central Africa Sports Council (ECASCO) can build upon international frameworks by providing more specific guidelines and regulations tailored to the regional context. These regional frameworks can address specific challenges faced by athletes within their respective regions. Domestic legislation plays a crucial role in translating international and regional principles into concrete legal protections and enforcement mechanisms within each country. This includes enacting national sports laws, employment laws, and establishing specialized courts or bodies to handle athlete-related disputes.

Similarities: All three perspectives share common themes, emphasizing the importance of fair compensation, freedom of contract, protection from exploitation, and the establishment of dispute resolution mechanisms. For example, fair compensation where athletes deserve fair compensation for their labor and contribution to the sport. There is also freedom of contract where athletes should have the right to freely negotiate and enter into contracts without undue pressure or coercion. There is also protection from exploitation where athletes must be protected from unfair labor practices, including forced labor, wage theft, and unsafe working conditions. Finally, there are dispute resolution mechanisms where effective mechanisms should be established to resolve disputes arising from athlete contracts.

Differences: The level of detail and enforcement of regulations varies across the different perspectives. International and regional frameworks often provide broader guidelines, while domestic legislation typically offers more specific legal protections and enforcement mechanisms. The international and regional frameworks often provide broader guidelines and principles, leaving room for interpretation and adaptation by regional and national bodies. However, the national laws offer more specific legal protections and enforcement mechanisms, outlining clear rights and obligations for athletes and sports organizations.

CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

4.0 Introduction

This chapter presents summary of findings and conclusions based on the study results. Policy recommendations and recommendations for further research are also presented in this chapter. It also presents findings from the study in comparison to what other researchers have concluded as indicated in the literature review.

4.1 Summary of findings

Athlete contracts play a crucial role in safeguarding athlete rights, fostering stability and predictability within the sports industry, and promoting fair competition. However, athletes often face challenges and considerations that can undermine the effectiveness of these contracts. Power imbalances, limited access to legal support, and cultural and social factors can leave athletes vulnerable to exploitation and unfair treatment.

Across the international landscape, athlete contracts are governed by a combination of legal frameworks, including individual contracts, collective bargaining agreements (CBAs), common law principles, and national legislation. These frameworks establish the rights and obligations of athletes, specifying terms related to compensation, duration, performance expectations, and dispute resolution mechanisms. Similarities exist across various regions. The US and UK, for example, both rely on a combination of individual contracts, CBAs, and common law to govern athlete contracts. Both countries also emphasize fair compensation, freedom of contract, and protection from exploitation through legal recourse and professional sports leagues' internal grievance procedures. Additionally, both the US and the UK have established regulations to govern athlete agents, aiming to prevent conflicts of interest and uphold ethical standards in athlete representation.

However, there are also key regional differences. The landmark Bosman ruling in the EU revolutionized athlete contracts by granting freedom of movement for players within the European Union upon contract expiration. This stands in contrast to other regions where player transfers may be more restricted. Furthermore, the legal frameworks in place within African countries like South Africa, Nigeria, and Uganda highlight the challenges associated with resource constraints and limited infrastructure. While legislation exists to protect athlete rights and regulate agent conduct, effective enforcement remains a challenge in these regions.

In Uganda, athlete contracts are legally governed by a combination of the Ugandan Constitution, specific legislation, and common law principles. The Ugandan Constitution enshrines fundamental rights for athletes, including protection from exploitation and fair labor practices. Two key pieces of legislation are the contract Act ,2010 , National sport Act 2023 and the Employment Act 2006. National sport Act 2023 Act establishes the National Council of Sports (NCS) as the central authority for sports governance, responsible for development, resource allocation, and ensuring fair play. The Employment Act 2006 safeguards athletes from unfair treatment by outlining minimum wage requirements, regulating working hours, and guaranteeing leave entitlements. The National Sports Act, 2023, marks a significant shift in Ugandan sports governance. It mandates registration of all sports associations and federations with the National Council of Sports (NCS), promoting transparency and accountability. It also clarifies the roles of these bodies and establishes dispute resolution mechanisms within them. This act aims to streamline governance, uphold democratic practices, and create a more robust legal framework to safeguard athlete well-being.

Disputes arising from athlete contracts can be addressed through the Industrial Court of Uganda, a specialized body designed to handle employment contract disputes, or through arbitration clauses included in athlete contracts. While arbitration can be faster and less expensive, it may limit access to broader legal protections and the right to appeal decisions. The National Council of Sports plays a crucial role in regulating athlete agents, requiring registration and adherence to professional

conduct guidelines to prevent conflicts of interest, ensure transparency, and protect athletes from unethical practices.

However, challenges remain in effectively enforcing these regulations due to resource constraints and limited awareness among athletes about their rights and available support mechanisms. Another key challenge lies in the power imbalances inherent in the negotiation process, particularly for young or inexperienced athletes. The pressure to secure opportunities and the fear of jeopardizing their careers can lead athletes to accept unfavorable contracts that prioritize the interests of the sports organization over the athlete's well-being. This can result in unfair compensation, restrictive clauses, or limited protection from exploitation. Additionally, the lack of access to affordable legal counsel specializing in sports law creates a significant barrier for athletes seeking to enforce their rights effectively. Furthermore, cultural norms and social pressures can discourage athletes from pursuing legal recourse in contractual disputes. The fear of being ostracized or labeled as "troublemakers" within the sporting community, coupled with limited faith in the legal system's efficiency and fairness, can create a chilling effect that deters athletes from asserting their rights. This can lead to a culture of accepting unfair treatment or exploitation within the sporting landscape.

4.2 Conclusions

In conclusion, while athlete contracts serve as a critical tool for safeguarding athlete rights and promoting stability within the sporting landscape, significant challenges remain in ensuring their effectiveness. Power imbalances, limited access to legal support, and cultural factors often leave athletes vulnerable to exploitation and unfair treatment. These challenges manifest differently across regions. While developed countries like the US and UK possess established legal frameworks and regulations for athlete contracts, regional differences like the Bosman ruling in the EU highlight the need for ongoing legal evolution to adapt to the specific needs of athletes and the sporting industry. In developing countries like Uganda, resource constraints and limited infrastructure pose significant hurdles to effective

enforcement of existing legal protections for athletes and regulations governing athlete agents.

Moving forward, a multi-pronged approach is necessary to address these challenges. Continued development and effective enforcement of robust legal frameworks, coupled with increased awareness among athletes about their rights and available support mechanisms, are crucial steps. Additionally, addressing the inherent power imbalances within the negotiation process, particularly for young or inexperienced athletes, is vital to ensure fairer contracts that prioritize athlete well-being alongside the interests of sports organizations. Finally, fostering a cultural shift that discourages the normalization of exploitation and empowers athletes to seek legal recourse when necessary is essential to create a more equitable and just sporting environment.

4.3 Recommendations

Enhance legal framework and enforcement:

Refine existing legislation: There is need to conduct a thorough review of, the Employment Act 2006, contract Act, 2010 and National Sports Act, 2023 to identify potential gaps and areas for improvement. This may involve incorporating specific provisions addressing athlete contracts, including minimum standards for compensation, dispute resolution mechanisms, and clear regulations for athlete agents.

Develop specialized sports law: The major stakeholders in the sports industry in Uganda need to also consider enacting a dedicated Sports Law that comprehensively addresses the legal aspects of athlete contracts. This law should provide a clear framework for governing contracts, outlining the rights and obligations of athletes and sports organizations, while establishing transparent and efficient dispute resolution procedures.

Strengthen enforcement capacity: There is also need to allocate adequate resources to the National Council of Sports (NCS) to effectively enforce existing and future legislation pertaining to athlete contracts and agent regulations. This includes establishing dedicated units within the NCS for monitoring compliance, investigating potential violations, and providing support to athletes facing contractual disputes.

Empower athletes through education and awareness

Implement athlete education programs: The NCS, in collaboration with sports associations and athlete unions, should spearhead educational initiatives to inform athletes about their rights under existing legislation, contractual terms they should be aware of, and available support mechanisms in case of disputes. This could involve workshops, online resources, and targeted outreach programs tailored to different sports and athlete demographics.

Establish legal aid mechanisms: There is also need to explore the creation of legal aid funds or pro bono legal services specifically dedicated to supporting athletes in navigating contractual disputes. This would provide much-needed access to legal counsel for athletes who may not have the financial means to pursue legal recourse independently.

Address power imbalances and promote fair negotiation practices

Develop standardized contract templates: There is need to develop standardized athlete contract templates that prioritize fairness and transparency. These templates should be readily available to both athletes and sports organizations, ensuring a baseline level of protection for athletes while providing clarity on key contractual terms.

Promote independent representation: There is also need to encourage athletes, especially young or inexperienced ones, to seek independent legal counsel or representation from athlete unions during contract negotiations. This can help

mitigate the inherent power imbalance and ensure that athletes fully understand the implications of the contracts they are signing.

Foster a culture of respect and advocate for change:

Public awareness campaigns: There is need to launch public awareness campaigns that highlight the importance of athlete well-being and fair treatment within the sporting landscape. These campaigns can challenge the normalization of exploitation and empower athletes to speak up against unfair practices.

Collaboration with stakeholders: Finally, there is need to foster collaboration between the NCS, sports organizations, athlete unions, legal professionals, and civil society to advocate for continuous improvement in the legal framework and cultural environment surrounding athlete contracts. This collective effort can drive positive change and ensure that athletes' rights are upheld within the Ugandan sporting industry.

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ANNEXES

Annex 1: Documentary Review Checklist

My name is Bright Diocres Mutalemwa, a student of LLB conducting a study on, “examining the legal aspects of athlete contracts, including rights and obligations of athletes, contractual disputes and the role of agents in Uganda.” This checklist therefore outlines key documents and resources to review for my research on the legal aspects of athlete contracts in Uganda, focusing on my specific research objectives.

1. Ugandan Sports Law and Regulations:

- Employment Act ,2006
- Contract act , 2010
- National Sports Act, 2023
- Any related regulations, guidelines, or policies issued by the National Council of Sports or other relevant authorities.

2. Athlete Contracts and Rights:

- Sample athlete contracts from Ugandan sports organizations or governing bodies.
- Legal documents outlining the rights and obligations of athletes within athlete contracts.
- Any legal precedents or court cases related to athlete contracts and rights in Uganda.

3. Mechanisms for Resolving Contractual Disputes:

- Documentation on existing dispute resolution mechanisms within Ugandan sports organizations or governing bodies.

- Arbitration clauses in athlete contracts.
- Records of past contractual disputes and their resolutions, if available.

4. Role of Agents in Uganda:

- Regulations and guidelines governing athlete agents in Uganda, such as those issued by the National Council of Sports.
- Agreements between athletes and agents.
- Records of agent misconduct or disputes involving agents in Uganda.

5. Comparative Analysis:

- Comparative studies or reports on athlete contracts, rights, and dispute resolution mechanisms in other jurisdictions, especially in East Africa or countries with similar legal frameworks.
- International legal standards and best practices related to athlete contracts and rights.

6. Academic Literature:

- Scholarly articles, research papers, and books discussing legal aspects of athlete contracts, rights, and dispute resolution in Uganda or similar contexts.
- Legal analyses of relevant court cases or legislative developments in sports law in Uganda.

7. Policy Documents and Recommendations:

- Policy papers or reports proposing legal reforms or policy measures to enhance athlete protection and regulate agents in the Ugandan sports industry.

- Recommendations from international sports organizations, legal experts, or advocacy groups on improving athlete rights and contract transparency.

8. Media Coverage and Public Discourse:

- News articles, interviews, or opinion pieces on athlete contracts, disputes, and agent conduct in Ugandan sports.
- Public statements or declarations from sports organizations, athlete unions, or government officials regarding legal issues in athlete contracts and rights.

The End