

SPORTS LAW AND SPORT INTEGRITY IN QATAR: ANALYZING THE LAW FOR REGULATING SPORTS CLUBS AND OTHER LEGAL INSTRUMENTS IN A CRITICAL CONTEXT

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ABSTRACT: *Qatar; The universal capital of sport. A new slogan appeared during the last few years in the Qatari media outlets; to indicate the huge interest that the State of Qatar shows in sports and organizing mega sport events at Regional, continental, and universal levels. The slogan become closely realistic while observing what is going in Qatar during the last two decades. Many regional, continental, and international sports tournaments took place in the small, albeit prosper Qatar peninsula situated in the troubled region of Middle East and the Arabian Gulf. The most important one will take place in November & December 2022, the FIFA™ 22nd World Cup, “Qatar 2022 Mondale”. This interest in sports by the State of Qatar is reflected - to certain degrees - in the development of Qatar’s Sport law instruments, sport management and sport related institutions, and certainly in sport practices, competitions, and an extensive legal framework to ensure and maintain integrity in sport management and practices. This study will briefly trace sport law framework at the Qatari legal system, along with institutions that have jurisdiction in sport management. Finally, the mechanism adopted by Qatar to the settlement of sport and sport related disputes. In so doing, the study aim is not to present a thorough explanation of Qatar sports law, but to emphasize on certain points on the sport law frameworks of Qatar, to highlight strengths and suggest recommendations to overcome weaknesses..*

KEYWORDS: Sport Law, Sports clubs, Sport integrity, FIFA World Cup, Qatar 2022™, Arbitration, Sport disputes

INTRODUCTION

During the last two decades or so, Qatar - directed by high-level authorities- is working extensively to transform the country into a modern and advanced state according to Qatar Vision 2030¹. The process of Qatar transformation is still going on at different and multi-dimension levels². Sport

¹ Qatar National Vision 2030, Available online at:

https://www.psa.gov.qa/en/qnv1/Documents/QNV2030_English_v2.pdf

² Among these levels, the political one, in October 2, 2021, Qatar witnessed its’ first general election to elect the members of Qatar Shura Council according to the Permanent Constitution of Qatar 2004. this is a landmark events in the Qatari modern history that maintain people’s public participation at this advanced level following the municipality election held in 1999, 2003, 2007, 2011, 2015, 2019 respectively. Luciano Zaccara, “Political Participation in Qatar: The Central Municipal Council Elections (1999–2019)” Springer Singapore, published in “Contemporary Qatar: Examining State and Society” Editors, Dr. Mahjoob Zweiri, Farah Al Qawasm, 2021, available online at:

was one these dimension; Qatar is presenting itself to be a model in all related sports administration and practice throughout the region and the world³.

Sport in the constitution of Qatar

Unfortunately, No explicit reference has been made to sport by the Permanent constitution of Qatar. The only constitutional provision that may be impliedly include sport is Article 22 which reads as follows: “The State shall provide care for the youth and protect them from corruption, exploitation, and the evils of physical, mental and spiritual neglect. The State shall also create circumstances conducive to the development of their abilities in all fields based on a sound education”⁴. It is not clear if sport in the terminological sense is included in such wording, the term “physical, mental and spiritual neglect” used by the legislator cannot clearly be interpreted to mean that the state should support sports and provide physical education for the youth. The recent trend in the world modern constitutions is to endorse sport within its provisions⁵, usually in the constitutional section relevant to citizens’ rights and liberties.

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³ “Sports are another important aspect of Qatar’s branded image, particularly with regard to annual sporting tournaments. In tennis, the ExxonMobil Open tournament has taken place in Qatar since 1998, with the top-ranked player in the world, Roger Federer, successfully defending his title in the 2006 tournament. The Qatar Masters has been a fixture on the European and Asian Professional Golfers’ Association (PGA) circuits since 1998. The country also hosts the annual Qatar International Rally. The biggest venture into international sports will come in December 2006 when the country was scheduled to host the Asian Games. Qatari sports also have ventured into inter-national running and wrestling events, but controversially so, since many of the athletes have received Qatari nationality so that they can compete for the country”. This paragraph was quoted literally from Peterson, J. E. "Qatar and the World: Branding for a Micro-State." *Middle East Journal* 60, no. 4 (2006): 732-48. Accessed November 2, 2020. <http://www.jstor.org/stable/4330320>. The article was published in 2006 before Qatar even won the right to host the FIFA World Cup 2022, and before *beIN SPORTS* Networks was officially launched in 2012 (<https://www.beinsports.com/en>) to be later the main player in Sport media. Indeed, the author argument in regard of using sport to brand Qatar is proved to be right. For more on this particular issue see also Rookwood, Joel, “Access, security and diplomacy: Perceptions of soft power, nation branding and the organizational challenges facing Qatar’s 2022 FIFA World Cup”, 2019, *Sport, Business and Management*, 9 (1). pp. 26-44. Available online at: <https://doi.org/10.1108/SBM-02-2018-0016>

⁴ The Permanent Constitution of the State of Qatar, 2005, Qatar Legal Portal, available online at: <https://almeezan.qa/LawPage.aspx?id=2284&language=en>

⁵ For example, Article 59 of the Turkish Constitution provides “1-The State shall take measures to develop the physical and mental health of Turkish citizens of all ages, and encourage the spread of sports among the masses. 2- The state shall protect successful athletes. 3- The decisions of sport federations relating to administration and discipline of sportive activities may be challenged only through compulsory arbitration. The decisions of the Board of Arbitration are final and shall not be appealed to any judicial authority.” Turkish Constitution, Available in English at: https://constituteproject.org/constitution/Turkey_2017.pdf?lang=en . In addition, Article XXVIII (28) of the Brazilian Constitution provides that: “Under the terms of the law, the following are ensured: a) protection of individual participation in collective works and of reproduction of the human image and voice, sports activities included”. Moreover, Article 217. reads as follows: “It is the duty of the state to foster the practice of formal and informal sports, as a right of each individual, with due regard for: i – the autonomy of the directing sports entities and associations, as

The merit of having sport in the constitutional legislative level is obvious; since the constitution in any state is the most important and supreme legislation, and by virtue of principle of legislative hierarchy, no lower legislative provision of any kind or level shall contradict constitutional provisions.

Moreover, constitution seems to be the most readable part of the state laws, so it important the constitution provides for the most significant and basic matters in the state. From a legal perspective, including sport within a constitutional provision in the citizen rights and freedoms will prevent amending such provision negatively unless the amendment is to expand or strengthen such right. This result stems from Article 146 of the Qatari Constitution, which provides that: “Provisions pertaining to rights and public liberties may not be subject to amendment except for the purpose of granting more rights and guarantees in the interest of the citizen.”

From an observer point of view, the absence of sport despite the fact that the permanent Constitution of Qatar is a new one seems even unrealistic; because Qatar is investing heavily in sport, organizing and hosting sport’s events. In fact, Qatar’s national Agenda is around the year, full of sports pending events and tournaments for many kinds of sports at national, regional and international level. The provisions of Qatari Constitution do unfortunately not reflect this fact. Therefore, it is hoped that the competent legislative authorities in consultation with national stakeholders will suggest a brief albeit important amendment to the constitution to introduce a new article providing for sport as a human right. In this regard, one may suggest that this proposed article include certain point as follows:

“1- Practicing sport is a human right, and is guaranteed to everyone. 2- The state shall support the practice of sport on a professional and non-professional basis and provide the financial and technical conditions and requirements for practicing sports’ activities, with due attention to physical education, sports for individuals with special needs, and local and traditional sports. 3- State departments and private sector institutions shall discover and enhance talented athletes and

to their organization and operation; ii – the allocation of public funds with a view to promoting, on a priority basis, educational sports and, in specific cases, high performance sports; III – differentiated treatment for professional and non-professional sports; iv – the protection and fostering of sports created in the country. 1- the Judicial power shall only accept legal actions related to sports discipline and competitions after the instances of the sports courts, as regulated by law, have been exhausted. 2- The sports courts shall render final judgement within sixty days, at the most, counted from the date of the filing of the action. 3- The Government shall encourage leisure, as a form of social promotion. The Brazilian Constitution, available in English at: https://constituteproject.org/constitution/Brazil_2017.pdf?lang=en . Article 43/3 of the Spanish Constitution provides that: "The public authorities shall foster health education, physical education and sports". the Spanish Constitution available in English at: https://constituteproject.org/constitution/Spain_2011.pdf?lang=en . Mexico's Constitution in its Article 4 states that: “All individuals have a right to physical culture and the practice of sports. The State shall promote and stimulate this right by issuing laws on the matter”, Mexico's Constitution, available in English at: https://constituteproject.org/constitution/Mexico_2015.pdf?lang=en. For more about this constitutional endorsement of sport see, The World's Constitutions to Read, Search, and Compare, <https://www.constituteproject.org/>

encourage their participation in national and international competitions. 4 - The state shall promulgate special legislation for sport and sport clubs in conformity with international standards, providing that it include in particular the principles governing sports administration, and the establishment of a special sports judiciary”⁶.

Qatar interest in Sports

The State of Qatar shows great interest in Sports and organizing sports event at various levels, below is a brief explaining this interest;

Legislative level

The law no 1/2016 for the regulating sports clubs as amended, is the main Qatari legislative tool to organize sport clubs. This law is the most important national law related to sport administration; the Law was promulgated in 2016 and amended later in 2018. The law includes provisions on the formation of sport clubs and its administration. Below is a brief on the main principles and rules endorsed by the law.

A. **Principle of the sport independence** included in Article 50 of the Law, which, states that: “In the application of this law; the principles of independence of sport and relevant international standards must be observed and respected⁷. No governmental interference shall be made in sports affairs, and in general, there should be no undue interference in sports management and practice.

B. **Observance and Compliance of international standards** within sports administration included the forth-mentioned Article 50, which make clear reference for international standards that must be observed and respected. This includes principles and rules established in the Olympic Charter, the statutes of national and international sports federations, the World Anti-Doping Code, and the International Convention on Anti-Doping in the Field of Sport.

C. **Principle of integrity and combating conflict of interest** that can be traced throughout the Law, especially in sport clubs administration; As sport must be managed and exercised with fairness and sportsmanship; no corruption should be allowed or tolerated within sport. In addition, a decisive ban on doping, and manipulating the results of competitions. Betting in sports should be strictly regulated if allowed at all.

D. **Principle of democracy, cooperation and participation, which** appears in the formation and administration of the sport clubs.

E. **Principle of accountability and liability**, which governs the administration of sport clubs. Encouragement of sports is an overwhelming trend in the Qatari legal frameworks. The Qatari Law organizing sports clubs includes many articles supporting sport and athletes. For example,

⁶ Abdelnaser Zeyad Hayajneh, “Sports Law: General Theory of Sports Law with explanation of Sports Laws in Qatar”, 2021, Qatar University Press.

⁷ Law No. (1) of 2016 regulating sports clubs, available online in Arabic at: <https://almeezan.qa/LawPage.aspx?id=6859&language=ar>. This law also emphasizes the independence of law sport entities such as the Qatar Olympic Committee and sport Federations and Clubs.

Article 54/1 of the law provides that: “An exceptional sabbatical leave with a total salary may be granted to Qatari employees working in state departments, army, or companies, owned by the state in order to occupy the position of general manager of sport club or any of the executive positions in it.

This leave is granted by a decision of the head of the entity to which the employee belongs based on the request of the club president submitted to the Ministry. The competent department shall coordinate with the entity to which the employee belongs regarding the granting of this leave and its duration, taking into account that he shall retain all his functional and legal rights during the period of this leave”.

Moreover, Article 54/2 provides that: “Athletes from different universities, institutes and schools are granted a full-time leave to participate in the Olympic, world, continental, regional and Arab tournaments and tournaments, whether held inside or outside the country. The granting of this leave shall be based on a request from the concerned sports authority submitted to the Ministry. The competent department is in charge of coordinating with the Ministry of Education and Higher Education and other concerned educational authorities in the matter of granting this license and enabling students to study and take exams”.

Whereby Article 54/3 states that: “It is permissible to establish private sports centers, sports recreation centers, private commercial clubs, open stadiums, private sports academies and schools, and centers for providing advice and sports services. Their establishment and fees are regulated by a decision of the Minister. Coordination shall be made with the concerned sports federation to ensure that the technical requirements for the establishment of the entities referred to in the previous paragraph are met if they are associated with a specific sport.”⁸

Further to these sport’s encouragement rules, there are many article provides for deferent kinds of support to sport and sport’s institutions as follows:

Financial support

Article 34 of the law provides that; “The state may allocate to the club lands, real estate or buildings for use, against a nominal rent”. And in this case, “the club is prohibited from disposing of them by selling or mortgaging or offering financial surety for any debts that the club may incur, or any other form of disposal, except for rent, provided that it is with the prior approval of the competent

⁸ According to Article 1 of the law, National Sports Federations means the **independent sports bodies with legal personality** that manage a specific sport or sport at the local level and follow the relevant international sports federations. The same approach is applied to registered sport clubs which; according 12 of the law, acquires the **legal personality** as soon as the procedures for its publication are completed, by publishing its founding contract, articles of association and registration number in the Ministry’s records in the Official Gazette, and publication is free of charge. This provision applies to every amendment to the club's articles of association. In line with this independent legal personality; Article 33 provides that The club’s funds, including subscriptions, immovable and movable property, gifts, wills, donations, subsidies, etc., are considered the property of the club, and its members, or the member who has withdrawn, or who has lost or forfeited his membership, has no right to these funds.

department”. Additionally Article 39 of the Law allow the club to accept gifts, bequests and donations, provided that they are not restricted by restrictions that are incompatible with the purposes for which it was established, and that they are approved by the General Assembly. Moreover, Article 38 of the Law allow the club to establish or contribute to commercial companies to serve one or more of the activities it undertakes, in accordance with the controls established by law.

Governance

The Ministry and other competent government agencies may review aspects of financial support disbursement and government announcements submitted to sports clubs and bodies, to ensure that the support funds or subsidies are spent on the purposes, aspects and areas allocated them in accordance with the conditions and guidelines set by the Ministry in this regard. The financial review provided for in the previous paragraph, and the accountability of sports clubs and bodies in connection with this review, shall be within the scope and limits of government support and subsidies provided by the state to them. Moreover, the law considers Funds for support and government subsidies provided to sports clubs public funds⁹.

The law also stipulates that, the club shall deposit its cash funds into one of the local banks located in Qatar. This deposit shall be in the name by which it was registered and publicized. The club shall notify the competent department of the name of that bank, and of any change that occurs concerning the account within a week from the date of its occurrence.

More importantly, the club may not spend its money for purposes other than for which it was established, nor may it engage in any financial bets or speculation¹⁰.

Further to these rules, Article 40 of the Law provides that, the club shall have an annual budget and a closing account. In addition, the club president shall submit to the competent department, within one month of the end of the financial year, a copy of the clubs’ closing account for the previous financial year, and the clubs’ draft budget for the new financial year.

The Law also provides for club’s president liability for maintaining club’s assets by providing that, the club president shall be responsible for fulfilling all financial obligations resulting from his violation of the provisions of the law. He shall be responsible for exceeding the approved budget of the club during his tenure in the club’s presidency, without prejudice to the responsibility of the former club presidents to settle any obligations or Debts or violations committed during the period of their work¹¹.

⁹ Article 36 of the Law

¹⁰ Article 37 of the Law

¹¹ Article 25 of the Law stipulates that the club must provide the competent department with a copy of the decisions issued by the club’s president, within seven days from the date of their issuance.

It is worth mentioning that the Law set forth a democratic process in managing sport club affairs by regulating the club General Assembly. According to Article 26, the club shall have a General Assembly consisting of the members who have the right to attend it in accordance with the club's statute, provided that they have fulfilled their financial obligations in accordance with its provisions, and that their membership has been for at least six months. The meeting of the General Assembly is chaired by the club president, his deputy in his absence, or the oldest member of the General Assembly in the event of their absence¹².

Furthermore, Article 26/1 affirms that The General Assembly of the club is the supreme authority in it, and it independently exercises all the powers and competencies assigned to it under this law and the statutes approved by the club. The General Assembly guarantees the right of members to participate and contribute to the decision-making of the club without external interference from any third party¹³.

Article 27 of the Law provides that the General Assembly must be called for an ordinary meeting once a year, during the three months following the end of the club's financial year, to consider any of the following matters:

1- Adoption of the club's strategic plan. 2- Discussing the president's report on the club's activities in the past year, and the programs and work plan for the New Year. 3- Approving the final account for the ended fiscal year, and approving the draft budget for the next year. 4- Discussing the auditor's report and appointing the auditor. 5- Electing the club's president and vice-president in accordance with the articles of association. 6- Determining the remuneration for the president and vice-chairman of the club for the work they perform. 7- Forming a committee of at least three members from among the members of the General Assembly, which will supervise all procedures related to accepting, dropping and expiring membership in the club, and electing the club's president and vice-president. 8- Approving the organizational structure, administrative, financial and technical regulations, and the club's human resources management regulations. 9- Approving and approving the development, purchase or sale of the club's physical assets. 10 - Considering the issues proposed by the members when submitted within the period specified in the statute, or that the club president deems to be presented to the General Assembly¹⁴.

¹² Article 32 of the Law set an obligation on the club president to notify the concerned department of the date of the meeting of each ordinary or extraordinary general assembly, at least fifteen days before the specified date. At meetings, the delegate has the right to participate in the discussions without the right to vote.

¹³ Article 26/1 provides also that, the General Assembly guarantees the right to join the club for every citizen who fulfills the conditions for membership in it according to its type and the procedures specified for it in the club's articles of association approved by this association. In this association - by virtue of the law - if he satisfies the membership application procedures and the controls specified for this membership in the club's articles of association.

¹⁴ According to Article 29 of the Law, The Extraordinary General Assembly of the sport club is specialized in considering the following issues:

1- Withdrawing confidence from the president and vice-president of the club, or one of them, with the approval of two-thirds of the members present, and electing someone to replace him, in accordance with the club's articles of association. 2- Deciding on the resignation of the club's president and vice-chairman, and electing a replacement in

Preventing conflict of interest

To ensure independence, accountability and integrity in the administration of sports' clubs, the Law provides that: "The club president¹⁵ may not combine this work with any executive position in any other club, and he shall be responsible for all his actions before the club's General Assembly"¹⁶. The same rule applies for the general manager¹⁷ of the club who - according to Article 23 of the Law - shall perform the duties of his position on a full-time basis, and he may not combine this work with any other executive work in any other club.

Protection of sport integrity

Sport is a message of peace, understanding and positive interaction and it plays significant role as an entertainment activity. Moreover, sport is now considered a promising and affordable industry with high-income rate among other professions. The core of sport is fair play and ethical competition according to prescribed rules. In this sense, any misconduct or act of corruption, manipulating with sport competition, and generally any commission or omission that harm or

case the resignation is accepted, in accordance with the club's articles of association. 3- Transferring the club's headquarters, dissolving it, or merging it with another club carrying on the same activity. 4- Amendment of the club's articles of association. 5- Important or urgent issues that the club president or members of the General Assembly see fit to be presented.

¹⁵According to Article 19 of the Law, The club president shall manage the club's affairs in accordance with the statute and the strategic plan approved by the club's General Assembly. And in particular he

- Prepare the club's strategic plan and supervise its implementation after its approval.
- Appoint the club's administrative staff, decide their salaries, allowances and bonuses, and terminate their services, in accordance with the club's statute and internal regulations.
- Appoint a financial supervisor for the club with experience in this field.
- Issue the organizational structure, administrative, financial and technical regulations, and the club's human resources management regulations, after approval by the General Assembly.
- Submit the club's draft annual budget and its final account to the General Assembly for approval.
- Represent the club before the courts, and in its relationship with others.
- Propose the amendments to the club's articles of association.
- Make proposals related to the development and advancement of the club in various fields.
- Prepare a report on the club's annual activity and present it to the General Assembly for discussion.
- Any other competencies stipulated in the club's articles of association.

¹⁶ Article 20 of the Law

¹⁷ According to Article 24, The general manager of the club assumes the presidency of the executive body of the club, and is responsible for managing the club's business and various activities and the progress of work before the president of the club in accordance with the club's statute, and in particular he undertakes the following:

- Executing the decisions of the club president.
- Preparing the organizational structure, administrative, financial and technical regulations, and the club's human resources management regulations.
- Preparing the club's annual budget draft and its final account.
- Supervising the administrative staff in the club, and preparing reports on their suitability to work.
- Any other functions assigned to him by the club president.

threaten the integrity of sport are to be banned and punished by sport law or any other relevant law¹⁸..

Corruption spoils sports administration and practice, also spoils the entertainment of sports, and badly affects sports revenue and its reputation. Therefore, all forms of corruption and manipulating sports results are criminalized under sport regulations i.e. doping, illegal betting, manipulating the results, bribery, discrimination, violence, tax avoidance and conflict of interests.

Integrity in Sport Administration has many tools, the main are; Independence of Sport, sport's neutrality¹⁹, governance in Sports, equality and no discrimination, no conflict of interests. While the main tools to maintain integrity in sport exercise are Fair play, no discrimination, sportsmanship, no Doping, no manipulating with the sport competitions, no corruption.

Many Qatari legislative instruments tackle the issue of sport integrity by banning any conduct that violate sport integrity and impose sever punishments on violators.

Qatari Law on the organization of Sport Clubs, Regulations of Qatar Football Association²⁰, Qatar Olympic Committee, Qatar Penal Code, and Qatar Civil Code are some examples of these instruments, besides many continental and international sport charters and regulations with application in Qatar²¹. Given the fact that certain violation severely affect sports' integrity. The disciplinary regulation of the Qatari Football Association stipulates that: "if any serious violation occurs; especially –but not exclusively– cases of doping, match-fixing, corruption, betting, misconduct against match officials, forgery, counterfeiting, or violation of the rules which govern age limits; the federation should request from FIFA that the penalties imposed as a result of this

¹⁸ Abdelnaser Hayajneh, "Legislative Frameworks for Sport Integrity in the State of Qatar", a presentation submitted to Workshop on Sport Integrity – Manipulating Results , Supreme Committee for Delivery and Legacy Doha- Qatar 21-22/1/2019, available online: https://www.scribd.com/search?content_type=tops&page=1&query=abdelnaser%20hayajneh&content_types=tops,documents&language=0

¹⁹ For more, See Abdelnaser Zeyad Hayajneh, "We shall blow up the World Cup Ball! The Neutrality of Sports in the Gulf Crisis from a Legal Perspective", 2019, International Review of Law, Special issue, Qatar University Press, available online at: <https://qspace.qu.edu.qa/handle/10576/12533> & <https://journals.qu.edu.qa/index.php/IRL/article/view/1434>

²⁰ The main themes within these regulations are: Commitment to the general principles of conduct, Consider integrity violations and match-fixing as serious violations and the secrecy of penalties established on a global scale, The statute of limitations does not apply to violations related to corruption or manipulation of match results. Punish all forms of corruption, Bann betting, the duty to cooperate to ensure the integrity of matches and competitions, prevent match-fixing, combat doping.

²¹ Such as the Olympic Charter, the FIFA Statute – Article 2-G, Article 13-29 FIFA Code of Ethics, Asia Football Association, Article 2- i/ j, Article 3, Article 4, Article 10-1/K, and AFC Code of Ethics- Article 70, See https://stillmed.olympics.com/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf?_ga=2.198024751.1014401584.1632600392-1725504599.1632600391 & <https://digitalhub.fifa.com/m/784c701b2b848d2b/original/ggyamhxxv8jrdfbekrrm-pdf.pdf> & <https://digitalhub.fifa.com/m/1c429d1b627be00c/original/1a3f5yqsox5cns9oypkg-pdf.pdf> & <https://www.the-afc.com/documents/afc-statutes-2020-edition> & <https://www.the-afc.com/documents/afc-code-of-conduct-2020-edition-english>

should apply worldwide”²². Moreover, the statute of limitations does not apply to accusations of corruption or match fixing²³.

In terms of punishments; anyone offers promises, grants or undue advantage to any person, employee of the Federation, Qatar Stars League staff, club, official in a match, or any player for; his personal benefit, on behalf of any other party in an attempt to commit any of the aforementioned violations; shall be subject to the following penalties:

- a- fine of no less than one hundred thousand Qatari riyals
- b- Banning from participating in any football-related activity for a period not exceeding two years
- c- Banning from entering stadiums ".²⁴

As per betting, a person shall be punished in accordance with Article 9 if he engages, directly or indirectly, in any betting or any similar activities in connection with matches or other football-related, or has a direct current interest or indirect in these activities. This includes seeking or facilitating the practice of betting or attempting to seek or facilitate any other person to do so - in addition, since law in the State of Qatar prohibits betting, the Federation must report cases that come to its knowledge to the competent authorities²⁵.

Under Article 75 of the Regulations, manipulating with competitions’ result was strictly prohibited.

- Any person who conspires with others to manipulate with the outcome of any match - by offering or attempting, receiving or seeking to take a bribe- or otherwise influencing the outcome of any match in a manner contrary to sporting ethics for the purpose of gaining an advantage for himself or others shall be punished by²⁶;

- a- Suspension for a period of no less than two years or ban from participating in any football-related activity with a fine of no less than sixty thousand Qatari Riyals, and in serious cases, a life ban from participating in any football related activity.
- b- - If any player or any official influences the outcome of the match in an illegal manner in accordance with what is stated in paragraph 1, a fine may be imposed on the club to which that player or official belongs besides prizes’ withdrawal.
- c- The club shall be penalized with a fine, deduction of points, expulsion from the competition, relegation to the lower division, and the withdrawal of prizes if it manipulate with the results of any match with the aim of affecting the grade of another club or clubs.

²² Article 42 of the Disciplinary Regulation of the Qatari Football Association. Available online at: <https://www.qfa.qa/wp-content/uploads/2021/09/%D9%84%D8%A7%D8%A6%D8%AD%D8%A9-%D8%A7%D9%84%D8%A7%D9%86%D8%B6%D8%A8%D8%A7%D8%B7-2021-2022.pdf>

²³ Article 38 Paragraph 3 of the disciplinary regulation of the Qatari Football Association

²⁴ according to Article 73 of the disciplinary regulation

²⁵ Article 76 of the disciplinary regulation

²⁶ This article is to be read and applied without prejudice to any other legal provision criminalizes such conduct, especially Qatar Penal code. Article 140 - 147 and 159-165 of the Qatar Penal Code no 11/ 2004 as amended, Available online at: <https://www.almeezan.qa/LawPage.aspx?ID=26&language=en>

d- The Secretary General of the Federation or the Ethics Committee of the Federation must be immediately and voluntarily notified of any form of approach or knowledge of any act related to manipulation or unlawful or improper influence of the match or competition or its results, and the information provided in this regard must be treated with the utmost confidentiality.

The same strict approach applies also to doping; Pursuant to Article 78 of Regulation

- The use of any stimulants “drug” is strictly prohibited; Doping offenses have been identified under the provisions of the Qatar Anti-Doping Committee Regulations, and doping is punishable in accordance with Article 9 by the Anti-Doping Disciplinary Committee and the Anti-Doping Appeal Committee.
- The Federation recognizes the decisions issued by the Qatar Anti-Doping Committee and the Anti-Doping Disciplinary Committee as well as the Anti-Doping Appeal Committee in all matters related to football.
- If an appeal against a decision of the Anti-Doping Disciplinary Committee for a doping regulation violation is not submitted by the time specified, notification of it must be sent to FIFA and the World Anti-Doping Agency (WADA).
- The Federation shall automatically adopt any legally binding anti-doping sanctions imposed by any other sports federation in Qatar or issued by the Anti-Doping Disciplinary Committee, the Anti-Doping Appeal Committee or any other governmental body within Qatar.

For example, Article 44 of the Discipline regulation within the Qatar Football Association provides that: “All persons bound by this regulation must respect the Laws of the Game and must adhere to the principles of loyalty, integrity and sportsmanship”²⁷. Additionally, article 74 of the regulation requires all persons bound by the federation's regulations to refrain from any behavior that corrupts or may spoil the integrity of matches or competitions, and they must fully cooperate with the federation at all times and contribute to combating such behaviors:

Within the framework of the Qatari Civil Code, Article 763 prohibits any agreement on gambling or betting, stipulating that, “every agreement on gambling or betting is void.” The second paragraph of the same article added, “Whoever loses in a gamble or bet shall recover what he paid within three Years from the time in which he performed what he lost, even if there was an agreement to the contrary, and he may prove what he did by all means”²⁸.

²⁷ Article 83 of the same regulation provides that 1- The Federation and the Qatar Stars League administration shall be responsible for implementing the penalties imposed for violations committed within their jurisdiction in the matches and competitions organized by each of them. FIFA may, when required to do so, extend the impact of the sanctions that have been imposed to have an effect throughout the world. 2 The FIFA Judicial Committees reserve the right to penalize serious breaches of the legal principles of FIFA if the Association fails to prosecute or fails to prosecute such breaches in accordance with the fundamental principles of law. 3- The Federation shall notify the judicial committees of FIFA of any serious violations of the legal principles of FIFA. 4- The Federation shall be responsible for implementing the sanctions imposed by FIFA for offenses committed within the jurisdiction of the Federation.

²⁸ Qatar Civil Law, No 22/2004, Available online at: <https://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=8957&lawId=2559&language=en>

Qatar's Sport initiatives

The State of Qatar launches many initiatives to enhance sports at domestic, institutional and international level;

Qatar Sport Day

In an unprecedented initiative, the State of Qatar in 2011 announced that the second Tuesday from February every year shall Qatar national Sport Day, and it will be formal and paid holiday in the full legal term²⁹.

According to Article 1 of the Emiri Decree No 80 of 2011 regarding the Sports Day provides that: "Tuesday of the second week of February every year shall be a national sports day". Further, Article 2 of the Decree obliges Ministries, other government public departments as well as private sector organizations to organize sports and kinetic events on the State Sports Day. All employees and their affiliates shall participate, in proportion to their conditions and ages, to achieve awareness of the importance of Sports and its role in the lives of individuals and societies". These bodies stipulated in the previous article shall provide the participants with what is necessary to participate in the aforementioned activities³⁰. In addition, and by virtue of Article 4 of the Decree, the National Sports Day shall be considered an official paid holiday.

Institutional level

The Ministry of Culture and Sports³¹ plays an important role in managing sports affairs in the State of Qatar. However, the existence of a ministry that follows the Qatari government that is concerned with sports may raise the issue of the independence of sport, which is considered one of the established principles in the field of managing and practicing sports activity.

Admitting the important role of the Ministry of Sport and Youth in the State of Qatar, and in light of international standards concerning sport independency, the sport sector in the state of Qatar still needs to improve the current sport administration. The starting point in such improvement is to establish an independent supreme council or institution to manage all sport affairs other than the current Ministry of Sport and Youth³².

²⁹ The Qatari initiative was later followed by many states i.e. United Arab Emirates, Kingdom of Bahrain, Malaysia, Japan – a bit earlier than Qatar with the title health and sport day- , India. Islamic Republic of Iran. The main step in this regard was in 2013, when the United Nations General Assembly announced 6th April every year as The International Day of Sport for Development and Peace. International Day of Sport for Development and Peace UN General Assembly in its resolution 67/296, Available online at <https://undocs.org/A/RES/67/296>.

³⁰ Article 3 of the Emiri Decree No 80 of 2011 regarding the Sports Day, in 2013 on , Available online at: <https://www.almeezan.qa/LawPage.aspx?id=2911&language=en>

³¹ While editing this paper, there was a ministerial amendment in Qatar, according to this amendment, the title of the ministry become Ministry for Sports and Youth.

³² Abdelnaser Zeyad Hayajneh, "Sports Law: General Theory of Sports Law with explanation of Sports Laws in Qatar", 2021, Qatar University Press

The establishment of such supreme council or institution will maintain sport independency according to recognized international standards. If the Ministry of Sport and Culture is to remain, its competences in sport affairs should be only of supervisory and coordinating nature, mainly to facilitate and ensure state support to national sport sector.

Organizational level

On The organizational level, Qatar have used to host many international sports events. Such as, Asian Games 2006, World Athletes Tournament 2019, and many others sports events, which spread all over Qatar's national Calendar. More importantly, Qatar is making history; as it will be the hosting nation for the major mega sport event in the world namely the FIFA World Cup, QATAR 2022™³³, the second Asian copy of the world cup, and the first even world cup in the Middle East and North Africa "MENA" region.

Resolution of Sport and Sport Related Disputes

Sports may give raise to many disputes with different nature, some are commercial, and other are of technical³⁴. A special judicial or semi judicial body better reviews these disputes. Therefore, Qatar established sport related disputes institution to be the competent authority, which has jurisdiction over all sport related disputes.

According to Article 54 of the Qatari Law for the organization of Sports Clubs, "Sports disputes are to be settled, in accordance with the statutes and regulations of the national sports federations and the relevant international sports federations". Unfortunately, certain provisions within the sports federations are not always clear and decisive in term of what kind of disputes or decisions are to be referred to arbitration. For example, Article 87 of the Disciplinary Regulation of the Qatari Football Association states that: "According to the statutes of the Federation, some decisions issued by the Judicial Committees of the Federation may be challenged or appealed before the Qatar Sports Arbitration Authority". This Article does not specify what these decisions or disputes are; which makes it hard to predict with reasonable - or even minimal - certainty the legal statues to the concerned parties³⁵.

Sport arbitration

³³ Host Country Qatar, <https://www.fifa.com/worldcup/qatar2022/destination/host-country>

³⁴According to Article 1 of the Qatari Law for the organization of Sports Clubs, sport related disputes are "Sports Disputes: All disputes related to the sporting activity of sports clubs in sports competitions, and tournaments that are organized or supervised by the concerned national or international sports federations". Law No. (1) of 2016 regulating sports clubs, available online at: <https://www.almeezan.qa/LawArticles.aspx?LawTreeSectionID=17143&lawId=6859&language=ar>

³⁵ The Disciplinary Regulation of the Qatari Football Association. Available online at: <https://www.qfa.qa/wp-content/uploads/2021/09/%D9%84%D8%A7%D8%A6%D8%AD%D8%A9-%D8%A7%D9%84%D8%A7%D9%86%D8%B6%D8%A8%D8%A7%D8%B7-2021-2022.pdf>

Sport and sport- related disputes are divers and require special and specialized methods of settlement, and the establishment of Sports Arbitration body will certainly enhance efficiency and fairness in settling these disputes. Therefore, Qatar decided to establish Qatar Sports Arbitration Foundation as an independent body to review and settle such disputes with the goal to resolve sports-related disputes in a simple, transparent, efficient and expeditious services; namely through arbitration and mediation³⁶. QSAF working mechanisms utilize from the International Court of Arbitration for Sports (CAS) mechanisms to apply the best international practices and ensure the authority's independence and maintain impartiality, transparency and efficiency.

The QSAF Arbitration Rules governs the arbitration procedures brought before Qatar Sports Arbitration Tribunal³⁷, whereas the Mediation Rules governs the mediation procedures brought before the Tribunal³⁸. Both rules are still in an early stage of implementation; so time and practices are needed to evaluate the efficiency and comprehensiveness of these rules. However, the few arbitral judgements issued by the QSAF are promising and decide crucial issues within sports dispute such as the relationship and the nature of contract between the players and the sport club as being labor contract governed by labor law and the concerned regulations³⁹. In addition, the definition of financial obligations required by the sport's clubs member, and the conditions upon which the member become eligible to run for the sport's club elections⁴⁰.

In October 2019, Qatar Sports Arbitration Foundation has signed four Memorandum of Understanding with the Court of Arbitration for Sports (CAS), Josoor Institute⁴¹, and Qatar

³⁶ According to its official website, QSAF establishment is the result of corporation among Qatar Olympic Committee, Qatar Football Association, Qatar Stars League "QNB League", and Qatar Players Association. See the official website of Qatar Sports Arbitration Foundation at: <https://www.qsaf.qa/en>

³⁷ The Arbitration Rules of Qatar Sports Arbitration Tribunal, <https://www.qsaf.qa/wp-content/uploads/2019/07/QSAT-Arbitration-Rules-English.pdf>

³⁸ The Mediation Rules of Qatar Sports Arbitration Tribunal, <https://www.qsaf.qa/wp-content/uploads/2019/07/QSAT-Mediation-Rules-English.pdf>

³⁹ QSAF Arbitral decision no 3/ 2019, available online at: <https://www.qsaf.qa/wp-content/uploads/2020/09/%D8%A7%D9%84%D9%82%D8%B6%D9%8A%D8%A9-003-2019-%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D8%AA%D8%AD%D9%83%D9%8A%D9%85-Redacted.pdf>

⁴⁰ QSAF Appeal Arbitral decision no 4/ 2020 available in Arabic at: <https://www.qsaf.qa/wp-content/uploads/2020/09/%D8%A7%D9%84%D9%82%D8%B6%D9%8A%D8%A9-004-2020-%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D8%AA%D8%AD%D9%83%D9%8A%D9%85-Redacted.pdf>

⁴¹ Josoor Institute is the education and training arm of the Supreme Committee for Delivery & Legacy, the organization leading Qatar's preparations for the FIFA World Cup 2022™. It was launched in December 2013 as a Legacy project with the goal to help continue to build the capabilities of the sports and events industries in Qatar and the MENA region in the run up to the World Cup, and the longer term a part of the Qatar National Vision 2030. Specifically, Josoor aims to: 1- Create a talent pool within the region capable of delivering FIFA World Cup Qatar 2022™ and other major events develop the skills of current and future professionals. 2- Act as a catalyst for the development and

Olympic Academy, and Qatar International Court and Dispute Resolution Centre (QICDRC). Under the Memorandum of Understanding, Qatar Sports Arbitration Foundation (QSAF) will be the headquarters of CAS during the 2022 FIFA Qatar World Cup™ to be hosted by the State of Qatar later next year. In addition, Josoor Institute and Qatar Olympic Academy will provide the necessary academic and practical training to prepare legal professionals who are interested in sports arbitration, which will enable them to be international sports arbitrators according to the International standards. Furthermore, Qatar International Court and Dispute Resolution Centre will provide the necessary logistical and legal support to enable Qatar Sports Arbitration Foundation to operate until its headquarters are completed⁴²

Other Sport semi judicial committees

Within Qatar national sport federations, there are many semi judicial committee assigned to decide on sport dispute, these committees are the discipline committee, the appeal committee, and the conduct committee, these committees apply the concerned federation regulations and other applicable laws and bylaws. The formation of these committees and its jurisdictions are determined by the federation regulations.

Conclusion and Recommendations

In light of this presentation, sports law in the State of Qatar looks good overall, but it is still scattered and fragmented in different legislative tools as well as administrative levels. As the State of Qatar prepares to host the 2022 FIFA World Cup, there is a clear need to review national sports legal frameworks; to ensure that it is up to date, comprehensive, and in line with international standards. A desirable step will be to include sport in the permanent constitution of the State of Qatar, and to review the Law for Regulating Sports Clubs and other legal instruments relevant to sport management and practice to ensure cohesion among provisions, and compatibility with international standards as well as set a model in the sport legislation.

Admitting that Qatar sports law portfolio is relatively advanced and promising; Qatar needs to further develop its' sports law instruments to clearly reflect the facts on the ground which reveal that Qatar has an efficient rules, - albeit fragmented - governing sports law and sport integrity.

In this regard, the Qatari Law for the organization of Sports Clubs is due for revision. Specific amendments are of high priority i.e. the explicit mentioning of Sport law principles, the removal of competencies of Ministry of Culture and Sport. The establishment of an independent body to supervise sports sector in corporation and coordination with other relevant governmental departments, a supreme council of sport may be a rational choice.

growth of the sports and events industries in Qatar and across the region. 3- Help everyone with the talent and skill to pursue a career in these industries. Josoor institute official website, <https://www.josoorinstitute.qa>

⁴² QSAF collaborates with ICAS/CAS, available online at: <https://www.qsaf.qa/en/qsaf-collaborates-with-icas-cas>

At the constitutional level, one may suggest a desirable additional article to the permanent constitution of Qatar to endorse sport as a human right. The suggested article as mentioned before; may include certain details; i.e. State duty to support and encourage sports, and sport entities, sport talented individuals, women sports, sports for individuals with special needs, due attention to traditional sports, and finally the settlement of sport and sport-related disputes by special independent, specialized body.

Furthermore, Qatar may better consider some other recommendations such as, introducing a Comprehensive sport law, which covers among others, sport definition, principles of sports law, governance in sports institutions and clubs. A due attention should be made to the suitable legislative tools that regulate sports affairs, law, regulations, decisions, or code of ethics as deemed appropriate. Besides, improving the language used in sport laws and regulations, by using consistent terminology, deterrent language, and suitable terms with legal interpretation – when needed-. In addition, this law shall be updated according to the best practice standards and comparative experiences. Qatar may consider transferring all powers and competencies of Ministry of Sport and Youth relevant to sports' affairs to an independent body that supervise sports sector in corporation and coordination with other relevant governmental departments. A special attention shall be made also to sports integrity; a single legislation or chapter covers all aspects of sports integrity sees desirable to ensure comprehensiveness, effectiveness and to be updated in conformity with international standards.

In sum, A Unified sport law handling all aspects of sports' management and practice will certainly be a step forward that enhance and coordinate national sports. Based on the main themes of current sport clubs law with important additions and improvements; the proposed unified sport law should address these main topics;

- 1- The definition of sport; to include physical and mental sports as well as digital sports.
- 2- The governing principles of sport law according to international standards and best practices. These principles include but not limited to, sport independency, sport neutrality, transparency, confidentiality, integrity and preventing conflict of interests.
- 3- Endorsing sport as a human right, and state commitment of support and enhance sports.
- 4- Special and due attention to local and traditional sports.
- 5- Special and due attention to women sport and sports for individuals with special needs.
- 6- Special and detailed rules regulating important topics i.e. contract for professional players, sponsorship. Broadcasting of sport events, insurance within sport, governance within sport management.
- 7- Comprehensive rules to protect sport integrity, banning match fixing, manipulating with competition's results, and any all kinds of violations that contradicts with sport integrity. These rules important to gather such violations and ensure cohesion and deterrence.
- 8- Entrust national sport federations with the power to regulate the games and violations committed thereof to comply with the minimum requirements of principle of legality and due process within the perspective of criminal law.

9- The institutional administration of sports.

10- The relations with continental and international sport federations and committees.

It is important that such law observe and use professional language and terms used within sport law tools at national and international levels to avoid any misinterpretation, and enhance the implementation of the rules of sport laws. The volume of the law should not be an issue as long as it covers all aspects of sport management and practice from technical, organizational and commercial perspectives. These points if adopted will certainly enhance Qatar sports' profile and further shed the light on the advancements of Qatar' Sports legal framework.

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