



## The SDRCC as Experienced by a Japanese Colleague

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In 2011, the SDRCC and the Japan Sports Arbitration Agency (JSAA) entered into a Reciprocity Agreement to stimulate partnership and collaboration between the two organizations, including the sharing of expertise and knowledge. In the same year, the Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT) granted sponsorship to JSAA to provide training opportunities for experts in the field of sport dispute resolution; the grant allowed me to visit the SDRCC as a trainee for a period of 17 weeks, from May to September 2011.

### Orientation Program for Employees

During my internship at the SDRCC, I had the opportunity to attend several orientation and education sessions for new staff members where I was able to learn about the SDRCC programs and materials; it allowed me to understand everything about the SDRCC, including its case management system and arbitration procedures, its prevention and education initiatives and resources, as well as and the Canadian sport system in general. Although all of JSAA's employees have law degrees, they would benefit from more orientation on arbitration, sport governance and sports laws more precisely. The JSAA should consider adopting a similar education system if it expands due to an increasing caseload.

### Canadian Sport Society - Values, Openness and Transparency

In July, I was graciously hosted by Sport Canada in Ottawa to learn more about the Canadian sport governing structure as well as ethics and anti-doping activities. After the presentation by Sport Canada and follow-up discussions on those topics, I realized that by disclosing information about past incidents, problems or scandals in sport through the public release of decisions, the Canadian sport community is better able to prevent future disputes. In comparison to the openness and transparency displayed by Canadian sport organizations about dispute resolution, I believe that a number of Japanese sport governing bodies often conceal the facts about misconducts, which goes against the values of the Japanese sport society.

### Efficiency and Economy of Dispute Resolution

#### Proceedings

It is not enough to say that the most essential elements of resolving disputes through arbitration or mediation are fair and equitable proceedings. In resolving sports-related disputes, efficiency and economy are also indispensable. In my experience observing proceedings at the SDRCC, it became obvious that speedy and cost-efficient dispute resolution was made possible through several components of their case management process, such as the mandatory resolution facilitation, the conference call online management system, the new Case Management Portal and, most particularly, the administrative conference call which is quite useful to make parties feel at ease with the SDRCC process.



## A New Act in Japan

During my stay in Canada, Japan enacted a *Basic Act on Sport* which entered into force on 24 August 2011. This act provides that “the State shall take necessary measures, such as supporting bodies which conduct arbitration or mediation for disputes concerning sport, improving the quality of arbitrators, and promoting of the understandings of sport organizations about dispute resolution proceedings, which contribute to the resolution of disputes concerning sport expeditiously and properly” and further states that “sport organizations shall endeavor to settle sport disputes expeditiously and properly”. By these provisions, it is expected that JSAA’s role in sport society in Japan will become more important.

Finally, I would like to thank all the staff of the SDRCC, JSAA and MEXT who provided me with such an opportunity to visit and learn a lot from the SDRCC. In addition to being involved in several educational projects, I am deeply appreciative for the opportunity to fully observe SDRCC proceedings which made my internship more fruitful. I hope that the relationship between the SDRCC and JSAA will continue to grow to allow for the practice of sport dispute resolution in both countries to become more economical, efficient and just. ■