



SPORTS LAW ASSOCIATION
OF MALAYSIA

SLAM DIGEST



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GREETINGS!

BY: SAMRITH KAUR

Welcome to our second Edition of SLAM Digest.

We are excited to announce SLAM's collaboration with MY Iskandar Sdn. Bhd. (MISB) to organise a 1-day virtual Conference which will incorporate two themes, the Morning session - The Legal Landscape in the Time of Pandemic and the Afternoon session - Embracing Changes in Sports Arbitration in conjunction with the Iskandar Malaysia 15 Commemorative Campaign. The Conference will feature renowned international and domestic speakers and will be discussing contemporary topics. This is a huge achievement for SLAM and I would like to take this opportunity to thank MISB organisers and SLAM's committee members who worked hard to put together this Conference, which I am positive will be a success.

In our 1st Digest, I mentioned that SLAM will be organising a series of webinars and interviews with our sports personalities and true to our promise, SLAM organised six very interesting webinars with our very own amazing Olympians and Sports personalities. In the month of July 2021 we started off with Olympism in Sports and Life, followed by Olympism in Team Sports and Life, Olympism in Life after Sports to set the mood for Tokyo Olympics 2020. In the month of August 2021 SLAM organised another 2-webinar series, Sports for Life and Life in the Fast Lane. In the month of September, SLAM was involved with some of the sessions organised by AIAC's September Sports Month and last month, we manage to speak with 2 legends in Malaysian football, Dollah Salleh and Datuk Santokh Singh

I do want to mention my appreciation to Asian International Arbitration Centre (AIAC), Malaysian Olympians Association (MOA) and International Association of Physical Education and Sports Incorporated (IAPES) for lending their support to SLAM and at the same time, I am pleased to state that SLAM has also been invited to be the supporting organisation to these organisation and recently to FA Selangor Women's Super League. We thank these organisations in recognising SLAM's role.

For those who have contributed articles, thank you very much and I hope you will continue to contribute. I would also like to take this opportunity to thank my committee members for all your efforts and support to this point, let's continue to work together as a team for the betterment of SLAM and sporting industry. Special thanks to the editorial team led by Danesh and Varman who worked relentlessly to meet the deadline of the Conference date for this 2nd edition.

To all of you reading this Digest, please continue to support SLAM by sharing your experience, knowledge and contributing articles.

Enjoy the read.



Samrith Kaur

President, Sports Law Association of Malaysia

SLAM WEBINAR HIGHLIGHTS



OLYMPISM IN SPORTS & LIFE *Please click the title to watch the full webinar*

For its inaugural session, SLAM hosted two Malaysian Olympians in Jeffrey Ong, who was a national swimmer and competed in two Olympics. He was also conferred the Malaysian Sportsman of the Year award in 1988.

Jeffrey was joined by Noraseela Khalid, she participated in the 2012 London Olympics and was the 400m hurdles Malaysian champion for over two decades.

The pair shared their experiences on what it was like to compete in the Olympics and how they have moved on in their careers post Olympics.



OLYMPISM IN TEAM SPORTS & LIFE *Please click the title to watch the full webinar*

The second webinar focused more on team sports in the Olympics, SLAM was delighted to host former national hockey player Suriagandhi who represented Malaysia in the 1992 Barcelona Olympics. He was only 23 years old when he was chosen to be in the Malaysian Olympic Hockey Squad.

Suria was joined by Balbeer Singh and James Monteiro as guests. Balbeer who is a lawyer by profession, was a former hockey umpire while James is a lawyer and a member of the National Dispute Resolution Chamber of the Football Association of Malaysia.

It was an interesting session as all three panelists shared their views on being involved in team sports in one way or another.



OLYMPISM IN LIFE AFTER SPORTS *Please click the title to watch the full webinar*

Our third webinar was conducted a day before the beginning of the 2020 Tokyo Olympics. For this session, we were delighted to host Lt. Cdr. (R) Karu Selvaratnam who took part in various athletic events in the 1964 Tokyo Olympics and Chew Chan who was tae-kwon-do exponent in the 2008 Beijing Olympics.

As there was a 44 year gap between the two Games that both Karu and CC took part in, they both shared their experiences as an athlete and how the sporting industry has improved over the generations.



SPORTS FOR LIFE *Please click the title to watch the full webinar*

SLAM then hosted the former "Wonder Boy" of Malaysian football, Gopinath Naidu and former footballer turned bodybuilder, Mike Mahen.

Gopinath shared about his football career which included training stints with Aston Villa and Bayer Leverkusen whilst Mike who has four World Bodybuilding Championships titles shared his experience in the transition from football to bodybuilding.

As both of their footballing careers were cut short due to serious injuries, they both shared on the importance of taking care of your body as a professional athlete.



LIFE IN THE FAST LANE *Please click the title to watch the full webinar*

SLAM hosted two Malaysian motorsport speedsters in Alex Yoong and Hiqmar Danial.

Alex needs no introduction as he is Malaysia's sole representative ever in the sport of Formula 1 whilst Hiqmar was a former professional racing driver and now a lawyer by profession.

They both shared their views on how expensive motor sport can be to become a professional in and what can be done to produce more future motorsport drivers in Malaysia.



LEGENDS *Please click the title to watch the full webinar*

SLAM was honoured to host two Malaysian football icons in Datuk Santokh Singh and Dollah Salleh.

Datuk Santokh was a part of the only Malaysian football team to have qualified for the Olympics while Coach Dollah was one of Malaysia's top footballers in the 1980s and 90s.

They both very passionately shared their views on how football has evolved over the years as well as current issues regarding the Malaysian National Team including the nationalisation of foreign players to play for Malaysia.

THE JUDICIAL BODIES OF THE ASIAN FOOTBALL CONFEDERATION

BY: ANDREW MERCER & AKSHAY SINHA

The Asian Football Confederation (AFC) is the governing body of Asian football. The organisation is headquartered in Kuala Lumpur, Malaysia and has forty-seven national member associations. In addition to developing and regulating football, the AFC prioritises upholding the integrity of the sport and the laws of the game.

As per the AFC Statutes, which is the central constitutional document of the AFC, the judicial bodies of the organisation are as follows:

- the AFC Disciplinary and Ethics Committee (DEC);
- the AFC Appeal Committee (AC); and
- the AFC Entry Control Body (ECB).

Each of these instances is an independent body. The Chairpersons, Deputy Chairpersons and members of the judicial bodies are elected by the AFC Congress and cannot simultaneously serve on any other body of the AFC (including the AFC Executive Committee).

The AFC administration is responsible for providing a secretariat for the various judicial bodies (i.e. the necessary support, infrastructure and staff) and for investigating and prosecuting cases.

AFC DISCIPLINARY AND ETHICS COMMITTEE

The DEC is the AFC's body of first instance in disciplinary matters relating to football. Its responsibilities, functions and procedures are set out in the AFC Disciplinary and Ethics Code (Code).

The DEC decides on various types of cases, including incidents of spectator misconduct at football matches (for example, the throwing of objects, ignition of fireworks, use of drones and pitch invasions), discrimination (for example, racism), sexual harassment, match-fixing offences and doping matters. A full list of misdemeanours and infringements is set out in the Code.

In addition, each AFC competition is governed by its own competition regulations and related manuals which highlight the various obligations of the participating teams and hosts (for example, the media-related obligations and activities of participating teams and players). The DEC may take decisions in cases involving the infringement of such competition-related rules.

Similarly, the AFC Code of Conduct is an important document of relevance to the activities of the DEC.

Potential infringements are investigated by the secretariat, which is also responsible for deciding whether or not to open formal legal proceedings and for the case management process.

The sanctions imposed by the DEC can be of a sporting character (for example, match suspensions and bans from football activity) or a financial nature (for example, fines), and can also relate to the organisation of matches (such as spectator and stadium bans).

The DEC has a broad discretion when it comes to sanctioning. The DEC determines the type and extent of the disciplinary measures to be imposed in accordance with the objective and subjective elements of the offence, taking account of both aggravating and mitigating factors. In some instances, the Code (or other applicable set of rules) prescribes a minimum sanction for a particular offence, however, the DEC may depart from this having taken into account the circumstances of the offence.

The burden of proof regarding disciplinary infringements rests on the AFC. The standard of proof shall be to the 'comfortable satisfaction' of the members, bearing in mind the seriousness of the case. This standard can be defined as lying in between the criminal standard of 'beyond reasonable doubt' and the civil standard of 'balance of probabilities'. Special provisions apply in doping cases pursuant to the AFC Anti-Doping Regulations.

AFC APPEAL COMMITTEE

The AC is the AFC's body of second instance in disciplinary matters relating to football. As with the DEC, its role, functions and procedures are set out in the Code.

The AC has the jurisdiction to hear appeals arising from decisions of the DEC. It is important to note that, in terms of the appeal process, the relevant party must first request the issuance of a grounded decision prior to lodging an appeal. Once such grounds are issued, an appeal may be lodged within a set timeframe. Payment of an appeal fee is also required for an appeal to be admissible. As per the Code, certain DEC decisions cannot be appealed (for example, match suspensions/fines below a certain level).

An appeal results in the case being reviewed de novo by the AC. Generally speaking, an appeal does not have a suspensive effect (except with regard to fines).

AFC ENTRY CONTROL BODY

The ECB is a specialist judicial body which has the jurisdiction to determine the eligibility of clubs to participate in the AFC's club competitions (i.e. the AFC Champions League and AFC Cup).

The responsibilities, functions and procedures of the ECB are set out in the Procedural Rules Governing the AFC Entry Control Body. This document provides that the ECB has the power to make all orders necessary to ensure that only clubs that meet the eligibility criteria set out in the Entry Manual for AFC Club Competitions (for example, strict requirements regarding non-involvement in match-fixing activities) and which have been granted a licence correctly in accordance with the AFC Club Licensing Regulations are granted entry to participate in a competition.

Unlike decisions of the DEC and AC, which are of a disciplinary nature, the decisions of the ECB are of an administrative nature and pertain solely to the eligibility of a club to enter and participate in an AFC competition.

Further, unlike the DEC and AC, which act as the first instance body and body of appeal respectively in disciplinary matters, decisions of the ECB may be appealed directly to the Court of Arbitration for Sport in Lausanne, Switzerland (CAS).

COURT OF ARBITRATION FOR SPORT

As per the AFC Statutes, the AFC recognises the independent CAS to resolve disputes between the AFC and its member associations, clubs, players and officials.

The provisions of the CAS Code of Sports-related Arbitration apply to any proceedings heard before the CAS. The CAS shall apply the various regulations of the AFC, and additionally, where relevant, the laws of Malaysia.

Subject to certain limitations, any final decision made by an AFC judicial body may be disputed exclusively before the CAS in its capacity as an appeals arbitration body, to the exclusion of any ordinary court or any other court of arbitration.

Recourse may only be made to the CAS after all other internal AFC channels have been exhausted. An appeal to the CAS shall not have a suspensive effect. Only parties directly affected by a decision may appeal to the CAS.

NOTABLE RECENT AFC CASES

• BAGHDAD BOUNEDJAH, 2018/2019 (DEC – AC – CAS)

Mr. Bounedjah, a player of Al Sadd (Qatar), made a gesture towards the assistant referee during an AFC Champions League match. The gesture, which consisted of the player repeatedly rubbing his left thumb against his fingertips (i.e. an internationally recognised sign for money), called into question the integrity of the match official.



Andrew Mercer
General Counsel & Director of
Legal Affairs, AFC

The player was charged with bringing the game into disrepute under Article 50 of the Code. The DEC found the player guilty and imposed a sanction of USD5,000. The AC upheld the decision of the DEC.

The CAS dismissed the appeal lodged by the Appellant, confirming the decision of the AC.

• ISA ALKASIR, 2020/2021 (DEC – AC – CAS)

Mr. Alkasir, a player of Persepolis (Iran), made a 'slant-eye' gesture after scoring for his team in an AFC Champions League match. The player was charged with breaching Article 58 of the Code as a result of making this well-known racist gesture.

The DEC sanctioned the player with a six (6) month ban from all football-related activity and a USD10,000 fine. The AC upheld the decision of the DEC.

The CAS dismissed the appeal lodged by the Appellant, confirming the decision of the AC.

• SHANDONG LUNENG FC, 2021 (ECB – CAS)

The ECB determined that the club had been incorrectly granted a licence by the Chinese Football Association to participate in the AFC Champions League, since it had failed to satisfy certain overdue payables criteria under the AFC Club Licensing Regulations. The club's licence was withdrawn, and it was declared ineligible to participate in the AFC Champions League.

The CAS upheld the decision of the ECB.



Akshay Sinha
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BEYOND SPORTS AUTONOMY: COLLABORATIVE APPROACH BY PUBLIC AUTHORITY AND NATIONAL GOVERNING BODIES

BY:ASSOC. PROF. DR. JADY ZAIDI HASSIM

The issue whether the rise of transnational private authority (international federations or IFs) undermines public legitimate authority (i.e., government) or not has yet to be decided. In the last three decades, the global sports policies were formulated and administered by IFs through regulations and strong enforcement mechanisms. Recently, it has been suggested that this autonomous power needs to be complemented by more intricate approaches involving IFs, national governing bodies (NGBs), and the government.

Jean-Loup Chappelet stated that:

“Sports organisations must work with states to develop a new model of sports autonomy falling somewhere between the ideal of complete autonomy and an undesirable superficial autonomy; [...] a halfway point between liberalism and interventionism, what might be described as a ‘negotiated autonomy’, [...] characterised by strong negotiated co-operation mutual understanding and respect, as well as regular consultations”.

This article will briefly explain (1) the principle of ‘self-autonomy’ or ‘specificity’ in the context of international sport and its application in the national environment, and (2) how Alternative Dispute Resolution (ADR) is used as a tool to recognise ‘self-autonomy’ at the national and international levels.

This article does not argue that there is no value in the concept of the self-autonomy of sport; rather, it seeks to ascertain the extent to which it might be of limited use to understand sport policymaking, especially in the context of Malaysian sports.

The term ‘specificity’ is the traditional principle of self-governance in sports that allows IFs and their NGBs to have the autonomous power to self-regulate. In sports governance is considered an internal matter; thus, any external intervention by public authorities contravenes this principle. Sports is afforded a special position in terms of supervision by the national courts and legislative provisions. However, with sports developing from a past time activity to a full-fledged sports industry, government intervention is inescapable and threatens the principle of specificity.

The principle of specificity is transnational. Each individual sport has its own IF. However, at the national level, sports is governed by the NGB or representative of IFs operating under their documents, regulations, and charters. Although the club, district, and state sports body have the freedom to self-regulate their own internal affairs, it is the responsibility of the NGBs to regulate games and dispute resolutions according to the IF legal framework. NGBs must ensure that the constitution of its affiliates is embedded within the IF legal framework, including those matters related to dispute resolutions.

Public Authorities and Sports Disputes

In the early evolution of Malaysian sports, public authorities were involved in sports to preserve the privileged access to elite sports, to outlaw gambling, and to support public health and social integration. Today, public authorities are involved in sports for the purpose of collecting taxes and revenues (licensing). Other than that, they help regulate violent sports such as boxing and mixed martial arts and illegal activities connected to sports such as betting, match fixing, and doping. This is clearly reflected in the hierarchy of sports administration at the ministerial level. In Malaysia, the federal government is responsible for the execution of the National Sports Policy 2009 and sports legislations through its Ministry of Youth and Sports; thus, it enjoys autonomous power over the sports body. The sports body is also heavily dependent on government financial support, which makes it difficult to claim independence from government control when it comes to sports development.

Uniquely to Malaysia, the Sports Development Act 1997 [SDA 1997] confers the Minister power to make regulations in sport disputes. Section 38(2)(d) empowers the Minister to make regulations for internal procedures for resolving disputes within a sports body. Section 32(a)(b) of SDA 1997 (Amendment 2018) empowers the Minister to make regulations prescribing the Sports Dispute Committee's (SDC) procedures, and Section 26(c) of the SDA 1997 allows the Minister to make regulations prescribing procedure for appeals by sports bodies. The extensive ministerial powers in Malaysian sport disputes is contrary to the spirit of IF specificity, yet NGBs and sports bodies are bound by SDA 1997.

Although Section 23, 24, and 24A of the SDA 1997 seem to reflect public intervention in sports, the resolution from SDC and Minister does not stop the aggrieved disputants to bring their disputes to court, provided they have exhausted all the remedies available to them.

Beyond Specificity

Internal Procedures (Section 23 of the SDA 1997) can be used as a tool for curbing the concentration of power across all levels and in all sports. It will make the sports bodies more accountable for their decisions in their sports dispute administration and act as checks and balances. The subsidiary legislation on internal procedure will become a centralised set of rules instituted by all sports bodies and enable it to operate on a national scale to settle disputes in a uniformed, flexible, quick, and inexpensive manner. Besides, this accountability will act as a protection to the weaker party, especially the athletes. This also offers the sports bodies a certain degree of supervised autonomy. Beyond this autonomy, the government may intervene by providing support and offering suggestions in international disputes.

In *Mokgadi Caster Semenya v. International Association of Athletics Federations* (CAS 2018/O/5794)], the South African sports minister intervened in a CAS ruling by instructing the Athletics SA to appeal a CAS decision. CAS ruled that the International Association of Athletics Federations (IAAF) could impose its female eligibility regulations. According to the sports minister, the ministry did not believe that the CAS judgement had addressed the legal questions ethically, scientifically, and medically. However, on appeal to the Swiss Federal Tribunal, the Swiss Court stood behind the IAAF's decision.

The general setback in public intervention is that it is susceptible to political pressure and lobbying efforts, thus allowing the politicians to politicise sports. There are also risk of overlaps between levels of autonomy between IF rules and government regulations and decisions. The government perceives itself to have full control of all sports through its oversight extending to sports dispute resolution. However, the process of internal procedure provided by SDA may not sit well with the officials of the sports bodies. The furtherance of the dispute to SDC and appeal to the minister may also bring about the question of the independence of the SDC and the impartiality of the minister, as SDC members are appointed by the minister in person.

This is akin to the position of CAS in *Gundel v International Equestrian Federation (1993) 1 Digest of CAS Awards 561*, where CAS, originally created and funded by the IOC and the Swiss Federal Tribunal (SFT), emitted doubts as to the independence of CAS from the IOC. Further, its dicta suggested that a greater effort is needed to sever the existing ties between CAS and IOC.

Therefore, sports autonomy is important because it allows sports to have its own quick dispute resolution. The impact of a wrong sports decision may affect the sports bodies, office bearers and sports persons. This concern pushes ADR to the forefront to regulate sports mediation and arbitration at the national and international level. The two recognised ways of resolving disputes in sports are Internal Dispute Resolution and Formal Dispute Resolution.

First, Internal Dispute Resolution – a basic step to resolve a dispute is to approach the parties in dispute directly for negotiation or mediation. The reason to negotiate or mediate is to return the position of the disputing parties to the situation before the dispute. This is an informal and quick process that can be completed in a short time. It also does not involve any legal cost and is conducted privately. Its level of informality means that a solution can be reached that is based on common sense and through straightforward negotiation and 'without prejudice'. When negotiation breaks down during this informal ADR, the next step is to resolve the dispute in a formal ADR or arbitration. Formal ADR can be prescribed in the sports bodies' constitution, regulations, rules, and written agreement.

Second, Formal Dispute Resolution – if the dispute cannot be resolved within the internal legal framework, then the appropriate redress is through arbitration. Arbitration must be agreed by both parties or the right to litigation remains. The arbitration's decision or award is final, without the right of the parties to appeal except for judicial review of the awards by the national courts, which have been widely discussed academically. Although some IFs have their own arbitration tribunal, the most renowned foreign sports arbitration is CAS. Awards rendered by CAS abroad are governed by the Swiss Private International Law and Swiss Civil Procedure Code. According to Swiss law, CAS awards can only be challenged before the Swiss appeals court. The IFs' obvious preference for CAS arbitration is due to the liberal arbitration approach of Swiss law and the fact that Swiss jurisprudence minimal intervention in sports litigation.

In conclusion, sports autonomy is acceptable internationally and has growing recognition by national courts, but its application is not unlimited. The intervention by the application of state law, court decision or government policies must be seen as instrumental, for there is a need to mend the deficiencies in the regulations of a sports organisation. Even over regulated sports require intervention to ensure that rules of fairness and natural justice are adhered to and that complex sports regulations are simplified. A unified national self-regulation will be ideal but is difficult to impose; self-regulation means different things to different actors.

ADR is one of the ways the sports world can ensure that the principle of sports autonomy is recognised, especially by the national court, to prevent legislative interference in sports administration. However, using ADR as a mechanism to settle disputes must be agreed by parties, else the right to a decision by the normal court proceedings remain in effect and open to intervention. Whether the approaches by public authorities and NGBs are informal or formal, all must be clearly stated in the constitution or private contracts. In the light of good governance, the NGBs' constitution must establish a legal framework for sports dispute resolution as regulated by their IFs and in line with SDA 1997 provisions as compliance towards national law.



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A ONE-TWO PASSING SESSION WITH OUR VERY OWN - DATO' WINDSOR PAUL JOHN

BY: JAYAVARMAN JEEVANTHAN

In the complex and high-pressure world of football administration, Dato' Windsor John stands out with his invaluable contributions – both continentally and globally - to the beautiful game at the highest levels.

The General Secretary of the Asian Football Confederation (AFC) is one of the most well-respected figures in the sport, having carved out a niche for himself with his impeccable integrity, work ethics and commitment to the game he passionately loves.

We sat down with Dato' Windsor for a free-wheeling chat during which he shared his humble beginnings, the divine sanction for his transition from pedagogy to football, as well as his well-rounded views on some of the hot-button issues related to the industry as it continues to innovate and evolve.

Join us on this reflective trip, full of rich insights that will help shine a light on the current perspectives surrounding the sport.

Home Lessons for a Teacher

Dato' Windsor credits the timeless values inculcated in him by his family for his standing in the wider world today. The importance of a family cannot be understated and, often times, is at the core of our very being and anchors our existence. Our family shapes us and helps pave the path to the realisation of our dreams.

Hailing from a long line of highly respected teachers, it was then perhaps destined for Dato' Windsor to walk on the well-trodden family track into the teaching profession. But his was a teaching family with a difference – they also shared a mutual love for football, bonding over the game and the many thrills it unfailingly provides.

Almost all of Dato' Windsor's close relatives were actively involved in football either as players or coaches, but his role model undoubtedly was his father, an accomplished State referee. The fruit does not fall far from the tree, and it was but natural that Dato' Windsor pulled on his football boots at a young age, representing his school and later his home State of Kedah. The young Dato' Windsor's love for sport was not limited to football as he also played hockey for the State teams of Kedah and Terengganu.

Football Takes Centre Stage

Life often lays out equally enticing and intriguing paths to the future, creating in the process a problem of selection. A decision has to be made to pick a path forward, which often involves taking that leap of faith. With his playing days behind him, Dato' Windsor was well settled as a teacher when he was offered the chance to coach his school football team. Opportunity knocks but once and he grabbed it with both hands, quickly excelling in his new part-time role, bringing to the pitch the same pedagogical skillset and techniques that had endeared him to his students.

Ever eager to expand his technical knowledge of the game, Dato' Windsor enrolled for a Football Association of Malaysia (FAM) Train-the-Trainer course, which was designed to help support and encourage school teachers foraying into coaching. The FAM coaching certificate whetted his appetite for more, and before long he had claimed the highest coaching certificate (A Level) on offer in those days.

The young Kedahan's sincerity and perseverance did not go unnoticed. The late Dato' M Chandran, one of the giants of Malaysian football and then the coach of accolades-gathering Selangor, headhunted the young and ambitious trainer to be his assistant coach in 1992. The metamorphosis from a chalk-holding educator to a ball-kicking technician was complete, and according to Dato' Windsor, this was only because God willed it, helping him select the right door to walk through.

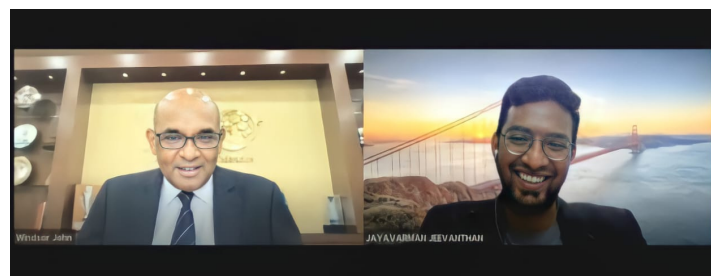
Ink to Paper

Sometimes in life we are made offers we can't refuse, and sometimes we accept offers that ought to be refused.

With his stints as a player, and then coach, and now a top-notch administrator, Dato' Windsor is in a good position to trace the arc in which players contracts have evolved over the years. In the nineties, FAM was one of the few football governing bodies in Asia to have already introduced standard player contracts. Dato' Windsor credited this move to the foresight of former FAM and AFC General Secretary the late Datuk Sri Paul Mony Samuel, a visionary of the game who single handedly modernised Malaysian football. Datuk Sri Paul Mony foresaw the incipient problems, obtained standard contract templates from Europe, and synced them with the prevailing Malaysian Labour Laws.

According to Dato' Windsor, the parties could only negotiate the salary and duration of the contracts, as opposed to the extensive terms and conditions in contracts of vogue. Further, for coaches, their letter of appointment was bare bones wherein only their benefits, termination, work time and reporting line were stated. No agents were involved in the contract negotiations as there were simply no agents - as we know them now - in those days, as anyone aspiring to be a player agent had to sit for a notoriously challenging examination conducted by FIFA. However, this has of course changed now with a rollcall of local and foreign agents available and willing to assist players in delicate negotiations and the contractual process.

Dato' Windsor added that players are now more aware of their rights and are better equipped to navigate contract negotiations and protect their rights and benefits. The setting-up of the Professional Footballers Association of Malaysia (PFAM) has further become a key resource for players seeking advice in negotiating contracts. Contract negotiations and complaint mechanisms are more structured now with the FAM establishing the Players' Status Committee, which deals with complaints arising from contract negotiations. Contracts for players and coaches are now well balanced where both the employer's and employee's rights are covered.



Mutual Interests

If we had the choice to deal with life's problems in an adversarial manner, or to amicably settle, most of us would opt for the latter. This is especially relevant to lawyers, who in the best interests of their clients, would often advise them to settle instead of participating in a protracted legal proceeding.

To that effect, Dato' Windsor shared with us his overview of how players have dealt with contentious issues arising from their contracts, including one-sided termination clauses and non-payment of salaries. These clauses are usually protective of the clubs, at the expense of the players, who often suffer in silence to avoid making a bad impression in the industry, which may negatively impact their future employer's view of them. Dato' Windsor opined that this problem is not isolated to Malaysia and happens in other parts of the world too. He, however, felt that with the contracts being more balanced today, these issues do not arise as often.

Keep It Clean!

In competitive sports, doping is the use of prohibited medications, drugs, or treatments by athletes with the intention of improving athletic performance. The sad thing about doping is how much it obscures our appreciation of greatness.

Dato' Windsor noted that during the eighties doping was unheard of. As the years went by, more and more substances made their way onto the prohibited list. He added that back in the day, there was no proper infrastructure for doping tests, including lack of qualified medical personnel to carry out these tests, and the cost of testing was prohibitive. This lack of infrastructure is magnified by the fact that a doping case is delicate as it heavily relies on the technicality of tests conducted by a professional.

The only time he recalled a doping test being conducted back then was in the annual Malaysia Cup (Piala Malaysia; not to be confused with the Malaysia FA Cup) Final.

As time progressed, doping took a chokehold on sports around the world and became more pervasive. AFC and FIFA begin anti-doping campaigns and testing was conducted in earnest in every tournament with proper procedures put in place. Today's anti-doping structure is robust and systematic with qualified doctors carrying out rigorous testing using modern technology, cost-friendly and widely available kits, under the guidance of the World Anti-Doping Agency (WADA) around the world. In his capacity, Dato' Windsor averred that the development of sports science played a key role in not only discouraging doping but also developing football with the involvement of nutritionists, dietitians, psychologists and fitness trainers. This all-round approach had helped curb the use of performance enhancing drugs and substances.

Only Change is Constant

Played by an estimated 270 million people worldwide and with a humungous base of 3.5 billion fans, football has withstood the test of time, and grown bigger and better.

Dato' Windsor pointed out that while the essence of football has remained inviolable, the game had lent itself to well-meaning changes over time. The pace of the professional game had evolved beyond imagination with players called upon to be supremely fit. The introduction of sports science had contributed to faster player recoveries from injuries with state-of-the-art medical treatment and rehabilitation measures. Technically, the players now deployed more advanced techniques and skill.

He added that the reach of television had been the single-most important influence over the years as it brought the experience of the game within easy reach of fans, whether it be on their television sets or through Over-The-Top (OTT) applications.

From the legal aspect, the Court of Arbitration for Sports (CAS) had now become accessible as a legal recourse to all players, coaches and clubs. As for football rules, you could now register more players compared to just 18 previously. As a whole, these aspects formed a key part of the continuous churn in the game but the core remained unchanged: 22 players trying to outdo each other to score, giving fans all over the world the adrenaline rush they keep coming back to for more.

Life Lessons

“Don’t go through life. Grow through life.” - This is Dato’ Windsor’s maxim.

He shared with us an instance early on in his fledgling career when he - a qualified teacher trying to learn the ropes of football coaching - was tasked with chauffeuring the Malaysian national team manager. Dato’ Windsor drove around the manager without any complaints, reminding himself that no job was lowly as long as he didn’t lose sight of the main and bigger objective.

Today, he is grateful for starting right at the bottom as it ingrained in him the necessary values and provided him with a gamut of real-world experiences, needed to grow as a person, and rise up the ladder. Dato’ Windsor also stressed the importance of staying humble, regardless of where one is in the Ferris wheel of life. In his experience, life runs on its own clock and not on ours, and there is little point in forcing time. The smallest of tasks helped one learn something new and continue the process of self-improvement.

He strongly recommended focusing on improving one’s attitude as this was the secret to a great personality. While one might be the best candidate for a given task based on their academic and other qualifications, they might not necessarily be the right candidate if the attitude necessary for executing that task is lacking.

On a final note, Dato’ Windsor stressed that learning should never stop because life never stops teaching.

About Dato' Windsor John

He is the current General Secretary of the Asian Football Confederation (AFC), which is the governing body of Asian football and one of the six Confederations making up FIFA. After purposeful stints as the Deputy General Secretary and Executive Director of Competitions of the AFC, Dato’ Windsor took over as the General Secretary in 2015, bringing to the job an unrivalled passion for the game. Prior to joining the AFC, Dato’ Windsor worked for FIFA and played a leadership role in its development efforts as well as several FIFA World Cups (1998 to 2014). A player, coach and administrator, Dato’ Windsor also has to his credit meaningful spells with the Football Association of Malaysia (FAM) and the ASEAN Football Federation. He has won several awards and accolades in his long career, including being conferred with the title of ‘Dato’ in 2014 by the Malaysian state of Pahang as well as the Medal of Labour by the Lao People’s Democratic Republic government in 2007.



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Published: 28.07.2021

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As Racism Rears Ugly Head Again, It's Time to Unite Malaysians Through Sports

Published: 04.10.2021

Racism is not new. It's also not exclusive to Malaysia. It's a cancer plaguing the world, despite societies having evolved, supposedly, over the centuries. And it's the same when it comes to racism in sports. Sports is supposed to be colour blind; it is all about respect.

Investigation Upholds Ziyad's Tokyo 2020 Paralympics Disqualification

Published: 05.11.2021

The investigation into the disqualification of Malaysia's Muhammad Ziyad Zolkefli at the Tokyo 2020 Paralympics has upheld the initial decision, stating there is no evidence that Ziyad arrived at the call room at the appointed time.

KBS Launches KKIS 2021 to Develop Sports Industry

Published: 13.11.2021

"All parties should play their respective roles in the formation of a conducive sports industry ecosystem so that it can help generate economic growth for the country", says Deputy Youth and Sports Minister Datuk Seri Ti Lian Ker