

Equestrianism Gets its Own Alternative Dispute Resolution Body

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Equestrianism in its various disciplines, which include eventing, show jumping and dressage, is an ancient sport tracing its origins back to the bronze age and has been an Olympic sport since ancient times. It is popular not only with horsemen and women but also with spectators around the world. This is especially so in The Netherlands, where equestrianism is widely practised as a sport at the amateur and elite levels and keenly followed by supporters and spectators alike. But unfortunately, like any other sport upon which much depends, equestrianism is subject to disputes of various kinds, including doping of both horses and riders. Disputes also arise out of the sale and purchase of sport horses, including disputes of a veterinary nature, for example, is the horse that has been sold 'fit for purpose' in a veterinary sense? 1

There is a need, therefore, for veterinary and legal experts to help determine such disputes, which increasingly transcend national boundaries, and help to settle them extra-judicially with a greater degree of confidentiality and informality, and with greater speed and less expense than the ordinary courts can afford. To meet these needs an organisation known as 'EQUESTES', has recently been set up in The Netherlands by a leading Dutch veterinary surgeon, Dr. Alfons Geerts, and a leading Dutch equine lawyer, Mr Luc Schelstraete, the founding partner of Schelstraete Lawyers and European Equine Lawyers. Based in the University town of Tilburg, EQUESTES is a partnership comprising leading veterinary surgeons and sports lawyers and has the following objectives: 2

Setting up and organising a professional and independent network of veterinary equine surgeons and lawyers.

Setting up and managing a database for veterinary legal questions concerning equestrian sports.

Providing expert opinions on veterinary and legal issues/disputes to the courts, mediators and arbitration institutes.

Providing binding advice, mediation and valuations.

Providing advice and recommendations concerning 'examination protocols', purchase contracts, 'testing protocols' and the like.

Providing standard sale and purchase agreements.

Providing protocols and journals on medication of equine athletes.

It should be noted that 'EQUESTES' will not provide expert opinions or advice to individual parties, while Geerts and Schelstraete will not participate in the Expert Panels themselves 'for integrity-moral-ethical reasons.' 3

The *raison d'être* of 'EQUESTES' can be illustrated by the following case examples given by its founder members: 4

The interpretation of medical diagnoses can lead to several possible explanations of the findings. Therefore conclusions are not always clear and unambiguous.

The determination of the rights and duties of the purchaser and salesman is not always obvious in international deals. If the contracting parties have not entered into a written agreement at all, particularly on the issues of applicable law, competent court and a binding 5

veterinary expert opinion, they will be involved in legal procedures which, separate from the fact that they will take years to resolve and will cost a lot, will have no definite outcome. Meanwhile the horse involved will, probably, be no longer subject to training, care and sufficient treatment.

The setting up of EQUESTES is timely given the launch this year of the World Governing Body of Equestrianism, Federation Equestre International's (FEI) Clean Sport Initiative. The FEI, which is based in Lausanne, Switzerland, has expressed its new initiative on fair play in the sport of Equestrianism in the following terms: 6

Equestrian sport derives its credibility and public acceptance from the concept of [fair play](#), the idea that the best athlete or team should win fairly and squarely, having competed under equitable conditions and under rules that are fair and applied evenly with true competence. To be valid and meaningful, competition results must be achieved on a level playing field.

Doping and the inappropriate use of normal medications present a serious threat to the integrity and reputation of equestrian sport because they give athletes an unfair advantage and threaten the welfare of horses. Therefore, it is the responsibility of the entire equine community, [athletes](#), [veterinarians](#), [grooms](#), [managers](#), [coaches](#), [owners](#), [officials](#) and [National Federations](#), to join together to help combat doping and the inappropriate use of medications through better education and increased vigilance. The FEI's Clean Sport Campaign is a coordinated effort at many levels to provide stakeholders with the information and tools necessary to address the issue effectively. It is hoped that the campaign will also serve as a call to action for all to reaffirm their commitment to [fair play](#) and [horse welfare](#). The concept of Clean Sport is about much more than a new list of prohibited substances and a new rulebook; it is also about better judgment, professionalization of the officials that regulate the sport and consistency of decisions. It is a complete package and its success depends on everyone playing their part to maintain that level playing field. The [FEI rule changes](#) on doping and medication came into effect on 5 April 2010; they also include information about the [Prohibited Substances list](#). 7

The FEI President, HRH Princess Haya Bint Al Hussein, commented on the FEI Clean Sport Initiative as follows: 8

The FEI must turn a new leaf in order to guarantee its community a clean and uncorrupt product. The Stevens Commission and the Ljungqvist Commission have both painted a picture that illustrates how negligent we have been in this area thus far and our governing body is completely committed to rectifying the problems we now face, for the benefit of our athletes, our community and our public.

Fair play is an essential part of sport and must be achieved both on and off the field of play to ensure its integrity. The establishment of EQUESTES will go a long way towards achieving this aim in equestrianism. 9

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