

INTERNATIONAL HANDBALL FEDERATION ARBITRATION COMMISSION

ARBITRAL AWARD

Case No: IHF-AC-2025-01

In the arbitration between:

AL QUARAIN SPORTING CLUB, AL KUWAIT SPORTING CLUB, BURGAN SPORTS CLUB, AL NASR SPORTS CLUB, AL-SHABAB SPORTS CLUB, AL-TADHAMON SPORTS CLUB, AL-SAHEL SPORTS CLUB, AL-SULAIBKHAT SPORTS CLUB, AL JAHRA SPORTS CLUB (hereinafter collectively referred to as "Appellants")

Represented by their respective Chairpersons and General Secretaries, Kuwait

and

INTERNATIONAL HANDBALL FEDERATION, Peter Merian-Strasse 23, P.O. Box CH-4002 Basel, Switzerland, (hereinafter "IHF" or "Respondent"),

(hereinafter collectively referred to as "the Parties")

A. COMPOSITION OF THE ARBITRATION PANEL:

Ms. Elizabeth Ling Yang (Hong Kong, Hong Kong),

Ms. Elena Borras Alcaraz (Madrid, Spain),

Mr. Lovro Badžim (Zagreb, Croatia), Chairperson

B. PARTIES

The Appellants are nine handball clubs affiliated with the Kuwait Handball Association (KHA), a national federation recognized by the IHF. These clubs include Al Quarain Sporting Club, Al Kuwait Sporting Club, Burgan Sports Club, Al Nasr Sports Club, Al-Shabab Sports Club, Al-Tadhamon Sports Club, Al-Sahel Sports Club, Al-Sulaibkhat Sports Club, and Al Jahra Sports Club. They have submitted this appeal through the procedural framework of the KHA.

The Respondent is the International Handball Federation (IHF), the worldwide governing body for the sport of handball, based in Basel, Switzerland. The IHF is responsible for overseeing national federations, including the KHA, and for ensuring compliance with its Statutes, Legal Provisions, and ethical frameworks.

C. SUMMARY OF FACTS AND PROCEDURAL HISTORY

On 10 March 2025, nine Kuwaiti handball clubs affiliated with the Kuwait Handball Association (KHA) filed an appeal before the IHF Arbitration Commission against the decision of the International Handball Federation (IHF) dated 17 February 2025. The contested decision rejected their request to convene an extraordinary general assembly of the KHA for the purpose of amending Article 64.4 of the KHA Statutes. The amendment sought to change the eligibility rule for members of the KHA Board of Directors who had resigned from office. Under the existing provision, such individuals are not permitted to stand for re-election in the next term. The Appellants proposed modifying the article to allow a resigned board member to be eligible again in the following term, but not during the remainder of the same term. The Appellants argued that the proposed change was compliant with good governance principles and aimed to enhance democratic participation. They also asserted that they had fulfilled the quorum requirement stipulated in the KHA Statutes, with more than 50% of affiliated clubs supporting the request. The IHF denied the request on the basis that the amendment would contravene Article 5 of the IHF Ethics Code, which requires transparency and fairness in elections. The IHF raised concerns about the ambiguity of the term “session” used in the proposed wording. In their appeal, the Appellants contended that the IHF had overstepped its supervisory authority and infringed on the autonomy of the KHA. They also raised jurisdictional concerns, claiming that the IHF’s internal legal framework was ambiguous regarding whether such disputes should be brought before the IHF Arbitration Commission or directly to the Court of Arbitration for Sport (CAS). As a precautionary measure, the Appellants filed a parallel appeal before CAS. The relief requested by the Appellants included the annulment of the IHF’s decision, confirmation of their right to vote on the amendment, and reimbursement of legal and procedural costs.

On 13 March 2025, following receipt of the appeal from 10 March 2025, the Chairman of the IHF Arbitration Commission, Mr. Lovro Badžim, confirmed the Commission’s jurisdiction to hear the dispute in accordance with Article 22 of the IHF Statutes. By letter dated 18 March 2025, Mr. Badžim formally initiated the proceedings and appointed Mrs. Elena Borras Alcaraz and Mrs. Ling Yang as co-arbitrators. Both Mrs. Borras and Mrs. Yang subsequently confirmed their acceptance of the appointments and declared that they had no conflict of interest preventing them from serving as arbitrators in the matter. The arbitration was designated to proceed entirely in writing, with a deadline for the Respondent’s written submissions set at twenty (20) days from receipt of the Chairman’s letter.

On 26 March 2025, the Respondent filed a response in which it accepted the factual background presented by the Appellants but disputed the legal merits of their claims. The Respondent explained that on 13 February 2025, the Appellants, acting through the Kuwait

Handball Association (KHA), submitted a request for approval of an amendment to Article 64(4) of the KHA Statutes, as required by Article 24 of the KHA Statutes, which provides that any such amendment must first be approved by both the Asian Handball Confederation and the IHF. The IHF rejected the request on 17 February 2025 on the grounds that the proposed amendment contravened the principles of good governance, particularly transparency, responsibility, and accountability, as set out in Article 5 of the IHF Ethics Code. In addressing the issue of jurisdiction, the Respondent cited Article 22.1(1) of the IHF Statutes and Article 1.3 of the IHF Legal Provisions, which collectively establish that disputes involving IHF statutes and decisions fall under the exclusive competence of IHF adjudicating bodies and must be resolved internally before escalating to the Court of Arbitration for Sport (CAS). The Respondent also challenged the procedural validity of the Appellants' request, noting that while sixteen clubs supported the amendment with thirteen signatures, the IHF database recorded nineteen Kuwaiti clubs involved in official activities, leaving it unclear whether the required quorum of 50%+1 had been satisfied under Article 23 of the KHA Statutes. Substantively, the Respondent argued that the proposed amendment, which would prevent a resigning Board member from seeking re-election within the same term, was problematic due to its lack of clarity and potential to facilitate manipulation, thereby threatening the democratic governance of the KHA. The Respondent rejected any allegation that the current Article 64(4) violates international human rights standards, asserting that the restriction is proportionate, temporary, non-discriminatory, and does not prevent candidates from running for other positions or future terms. Furthermore, the Respondent denied infringing on the KHA's autonomy, emphasizing that under Article 8.1 of the IHF Statutes, all member federations are required to align their statutes with IHF norms, and that the IHF has the supervisory mandate to ensure compliance with those norms. The Respondent therefore requested the IHF Arbitration Commission to dismiss the appeal in its entirety as unfounded, and submitted as supporting documentation two exhibits listing Kuwaiti clubs from the IHF database relevant to the quorum issue.

On 7 April 2025, the Panel Chair, Mr. Lovro Badzim, informed the Appellants on behalf of the panel appointed to handle the matter that they were requested to submit a reply to the IHF's Answer dated 26 March 2025 within three days, i.e., by 10 April 2025. The correspondence also enclosed the IHF's Answer and two related exhibits. In the same communication, the Appellants were invited to submit any evidence supporting that the quorum requirement under Article 23 of the KHA Statutes had been met with respect to the disputed decision.

On 10 April 2025, the Appellants submitted a written reply to the IHF's Answer, including supporting documentation. In their submission, the Appellants challenged the accuracy and evidentiary value of the IHF's list of Kuwaiti clubs, pointing out duplications and inclusion of clubs that were either not KHA members or were women's teams. They asserted that the KHA had only 16 affiliated clubs at the relevant time and that 13 of them had signed the request to convene the extraordinary general assembly, thereby satisfying the quorum requirement. The Appellants

submitted minutes from the last KHA General Assembly dated 12 June 2024 and a certification from the KHA dated 8 April 2025 confirming the number of affiliated clubs. They also provided a copy of the KHA Statutes. On the merits, the Appellants refuted the IHF's interpretation of the KHA's internal procedures, clarifying that a resignation does not automatically trigger a new term, and explaining that the proposed amendment would prevent re-election within the same term but not for future terms. They argued that the amendment promotes good governance and is consistent with democratic electoral principles. They further noted the absence of similar restrictions in the IHF's own statutes, citing provisions allowing immediate re-election of IHF officeholders after resignation, and concluded that the IHF's justification for rejecting the amendment lacked consistency and legal merit.

On 14 April 2025, following review of the Appellants' submission, the Panel invited the IHF to provide, within three days, a final written response limited to explaining the specific reasons why, in its view, the proposed amendment to Article 64(4) of the KHA Statutes would not align with the Universal Principles of Good Governance—particularly those requiring democratic election of candidates—while addressing the Appellants' references to Articles 27.3 and 28.4 of the KHA Statutes.

On 17 April 2025, the IHF submitted its final response, maintaining that it would not comment on the number of KHA member clubs and leaving the assessment of the evidence submitted by the Appellants to the Arbitration Commission. The IHF highlighted an inconsistency in the Appellants' wording of the proposed amendment, pointing out that the original request used the term "session" while the reply used "term". The IHF argued that the term "session" is linguistically inappropriate and inconsistent with the wording of the KHA Statutes, which use "term" to denote the duration of office. The IHF considered the initial wording to be incorrectly formulated and justified its rejection on that basis. However, the IHF stated that it could accept the revised wording of Article 64.4, provided certain procedural and supervisory conditions were met, including adoption by two-thirds majority and notification to and supervision by the IHF. If the KHA insisted on the original wording using "session," the IHF reiterated its objections on legal and governance grounds and argued that the proposed amendment constituted a regression from the democratic standard set by the current Article 64.4. The IHF further stated that, should the appeal be upheld based on the newly proposed wording, the Appellants should not be entitled to costs or fees, as the IHF had not had the opportunity to review and decide on that revised version in the initial administrative phase.

D. ADMISSIBILITY

The Panel notes that the appeal was filed in writing on 10 March 2025, in compliance with the procedural requirement under *f* of the IHF Legal Provisions, which states that “*IHF appeal authorities may only act on the basis of a written petition.*”

As per Article 1.3.1, “*Players, officials, clubs, National and Continental Confederations shall be subject to the sole jurisdiction of the statutory IHF appeal authorities for sports in disputes affecting the statutes, regulations and provisions or rulings by IHF bodies.*” The Appellants, being affiliated clubs of the KHA, are clearly within this personal jurisdiction.

The subject matter of the appeal—a challenge to the IHF’s refusal to approve a proposed amendment to the KHA Statutes—falls squarely within the material jurisdiction of the IHF Arbitration Commission under Article 3.1 and Article 2.2.1, which place disputes involving Member Federations and the IHF within the remit of the Arbitration Commission.

In accordance with Article 3.3, rulings of IHF bodies may not be challenged in civil courts, and appeals must be resolved within the sport’s internal dispute resolution system. The Appellants respected this hierarchy by submitting their appeal first to the IHF Arbitration Commission.

The Appellants have legal standing under Article 2.2.9, which permits individuals, clubs, and Member Federations to appeal to the Arbitration Commission. As clubs directly affected by the decision, the Appellants have demonstrated a legitimate legal interest.

The timing of the appeal also meets the requirement under Article 2.2.13, which provides a two-month window from the disputed event to file an appeal. The contested decision was dated 17 February 2025, and the appeal was filed on 10 March 2025, well within the permitted timeframe.

The Commission, composed of a Chairperson and two members who are impartial and uninvolved in the dispute as mandated under Article 4.2, has also confirmed that it had jurisdiction to rule on this matter.

Based on the above, the appeal is found to be admissible *ratione personae* (involving proper parties), *ratione materiae* (concerning a proper subject matter), and *ratione temporis* (filed within the appropriate time limit), in full compliance with the applicable IHF Legal Provisions, particularly Articles 1, 2, 3, and 4.

E. JURISDICTION

The jurisdiction of the IHF Arbitration Commission is established pursuant to Article 22 of the IHF Statutes (2024 edition) and Article 1 in conjunction with Article 2.2.7 of the IHF Legal Provisions (14 February 2025 edition), which provide that disputes concerning the activities between Member Federations and the IHF, as well as appeals against IHF decisions, shall be submitted to the IHF Arbitration Commission. This appeal falls within that scope.

Furthermore, in accordance with Article 3 of the IHF Legal Provisions, parties to a dispute affecting IHF Statutes, regulations or rulings are subject to the sole jurisdiction of IHF adjudicating bodies. The Arbitration Commission confirmed its jurisdiction upon receipt and preliminary examination of the Appellants' petition.

F. APPLICABLE RULES

In determining the applicable legal framework for resolving this dispute, the Panel first recalls that, under Article 1.1 of the IHF Legal Provisions, these provisions apply in conjunction with the IHF Statutes and are binding upon all Continental Confederations, Member Federations, and their affiliated members. This confirms that the Kuwait Handball Association (KHA), as a Member Federation of the IHF, and its affiliated clubs are fully subject to the IHF's regulatory framework.

Pursuant to Article 3.1 of the IHF Legal Provisions, disputes affecting the statutes, regulations, provisions, or rulings of IHF bodies must be adjudicated exclusively by IHF statutory appeal authorities. In the present case, the appeal was filed against the decision of the IHF Legal and Player Transfer Department rejecting the KHA's request to approve an amendment to Article 64.4 of its Statutes. This is clearly a dispute "affecting the statutes and rulings of IHF bodies" within the meaning of the aforementioned article. Accordingly, the IHF Arbitration Commission, as one of the designated adjudicatory bodies under Article 2.2.1, has the requisite jurisdiction to adjudicate such a matter.

In addition to the IHF regulatory documents, the KHA Statutes form part of the relevant framework. In particular, Article 23 of the KHA Statutes governs the procedural conditions for convening an extraordinary general assembly, requiring a written request supported by at least 50%+1 of the member clubs. The interpretation and proper application of this provision were central to one of the disputes in this matter. The Panel notes that while the internal statutes of a Member Federation are subordinate to the IHF framework, they nonetheless remain binding within the domestic sphere and are recognized as part of the applicable rules in any IHF proceeding that requires review of internal procedural compliance by a Member Federation.

The IHF Legal Provisions also stipulate procedural guarantees and responsibilities for the conduct of the adjudicatory process. Article 4.1 requires that all proceedings be initiated via a written petition, which was satisfied in this case. Moreover, Article 4.2 establishes the neutral composition of the IHF appeal bodies, consisting of a Chairperson and two members unaffiliated with the parties, which has been duly observed. The Panel further observes that Article 4.3 allows for oral or written proceedings, granting discretion to the Panel Chair to determine the procedural format. In this case, proceedings were conducted in writing with both parties given adequate opportunity to present submissions and supporting documentation.

From a substantive standpoint, the IHF's rejection of the proposed amendment was based on alleged non-compliance with the Universal Principles of Good Governance, referenced in Article 5 of the IHF Ethics Code, which is an enforceable instrument under the IHF legal order. These principles—transparency, responsibility, and democratic accountability—form a critical benchmark against which amendments to national statutes must be assessed when submitted for approval by the IHF. While the IHF does not codify these principles exhaustively, it retains the discretionary authority to withhold approval of statutes deemed contrary to these values, as confirmed under Article 8.1 of the IHF Statutes, which requires that all Member Federations' statutes conform to IHF standards.

The IHF's discretion, however, is not absolute. Its assessment must be based on consistent and reasonable application of standards and must be exercised within the framework of proportionality, clarity, and equal treatment. It is in this context that the Panel examined the IHF's reasoning, particularly in its reference to the potential for manipulation of elections and the inconsistent use of terms ("session" vs. "term") in the proposed amendment.

The Panel also considered the principle of acquired rights and legal certainty, as raised by the Respondent in its argument that existing governance standards must not be diluted by future amendments. While such principles are relevant in maintaining institutional stability, they must be balanced against the right of Member Federations to democratically amend their statutes, provided such changes do not conflict with overarching IHF governance standards.

Finally, the Panel notes that the IHF itself conditionally accepted the revised version of Article 64.4, as presented in the Appellants' reply, thereby implicitly acknowledging that the substance of the proposed amendment can be reconciled with applicable IHF rules—provided that the procedural adoption meets the criteria for validity under both KHA internal regulations and the IHF supervisory mandate.

In conclusion, the applicable rules in this case consist of the IHF Legal Provisions, the IHF Statutes, the IHF Ethics Code, and the KHA Statutes. The interplay among these instruments

creates a layered legal framework that governs both procedural admissibility and the substantive legality of amendments to national statutes. The Panel has applied these rules in a coherent manner, giving due consideration to each party's arguments, the evidence submitted, and the overarching requirements of clarity, proportionality, and good governance.

G. MERITS

In considering the merits of the case, the Panel examined three primary issues raised by the parties: (i) whether the quorum requirement for convening an extraordinary general assembly under Article 23 of the KHA Statutes was fulfilled; (ii) whether the inconsistency in wording between the original amendment proposal and the Appellants' subsequent submission constituted a material alteration; and (iii) whether the proposed amendment, particularly its revised wording, complies with the Universal Principles of Good Governance and the applicable regulatory framework.

As to the first issue, the Panel finds that the Appellants have demonstrated that the quorum requirement of 50%+1 was met. Specifically, they provided credible documentary evidence, including the minutes of the KHA general assembly dated 12 June 2024 and a certification from the KHA dated 8 April 2025, confirming that 16 clubs were affiliated to the KHA at the time of the request. With 13 clubs having signed the request to convene the extraordinary assembly, the numerical threshold prescribed by Article 23 of the KHA Statutes was clearly satisfied. The IHF, while raising doubts about the quorum based on an internal database, ultimately chose not to contest this point further in its final submission. Accordingly, the Panel accepts the Appellants' position that the procedural threshold for initiating the amendment process was validly met.

Turning to the second issue, the Panel notes a discrepancy in the terminology used to describe the proposed amendment to Article 64.4 of the KHA Statutes. The original request used the term "session," while the Appellants' submission of 10 April 2025 used the term "term." The IHF submitted that the word "session" was ambiguous and inconsistent with the rest of the KHA Statutes, and cited this inconsistency as a reason for rejecting the amendment. The Panel agrees that "term" is the appropriate and precise legal expression, consistent with Articles 27.3 and 28.4 of the KHA Statutes, which refer to the 4-year mandate of the Board of Directors as a "term of office." The Panel finds that the use of the word "session" in the original request did create ambiguity; however, the Appellants' use of "term" in the later submission clarified their intended meaning and aligned the wording with the broader statutory context.

The Panel considers that this clarification does not amount to a new or materially different proposal but rather constitutes a permissible correction and refinement of the initial request. The IHF, in its submission dated 17 April 2025, acknowledged the revised wording and conditionally accepted the amendment in its clarified form, subject to specified procedural safeguards. This

recognition further supports the Panel's conclusion that the amendment may proceed on the basis of the clarified text.

As to the third issue, the Panel has carefully examined whether the revised amendment complies with the Universal Principles of Good Governance, as reflected in Article 5 of the IHF Ethics Code. These principles include, in particular (meaning – not only those), transparency, responsibility and accountability. The IHF argued that the proposed amendment would undermine democratic standards by allowing previously resigned members to recontest positions during the same board cycle, potentially enabling manipulative resignations and destabilising governance. The Appellants countered that the amendment introduces a proportionate and reasonable limitation: a board member who resigns is barred only from contesting for the remainder of the current term, not permanently. Moreover, they argued that this restriction strengthens accountability by preventing board members from resigning strategically only to regain positions shortly afterward. The Panel finds merit in this argument. The proposed amendment does not permanently disqualify any individual, nor does it infringe on rights to future candidacy; it merely imposes a temporal limitation consistent with the principles of transparency and responsible governance.

Additionally, the Panel observes that the IHF Statutes themselves do not include an equivalent restriction, and in fact allow for immediate re-election following resignation. While this does not create a legal obligation for Member Federations to follow the same approach, it does undermine the IHF's claim that the proposed amendment would be fundamentally inconsistent with established good governance norms. The Panel finds that the IHF has not convincingly demonstrated how the revised amendment would constitute a regression from existing democratic standards.

Consequently, the Panel concludes that the revised version of Article 64.4—as clarified in the Appellants' submission of 10 April 2025—is consistent with the Universal Principles of Good Governance. It is formulated in a clear and precise manner, consistent with the KHA Statutes, and promotes both accountability and transparency in board composition.

The IHF's request to impose additional procedural conditions—namely, that the proposed amendment must be adopted by a two-thirds majority of voting members present and that the IHF and AHF be allowed to supervise the extraordinary general assembly—was not included in the original contested decision of 17 February 2025. These requests were raised only in the IHF's final submission after the commencement of arbitration. While the Panel finds such procedural practices generally reasonable and aligned with good governance, it declines to impose them as binding obligations in this award, given their lack of inclusion in the initial administrative decision and the absence of prior opportunity for the Appellants to respond in the domestic process.

Nevertheless, the Panel encourages voluntary compliance with these safeguards in the implementation of the amendment, as they reflect best practices in democratic decision-making and transparency.

H. COSTS

The Panel notes that while the Appellants initiated these proceedings based on the original version of the proposed amendment, they subsequently introduced a clarified formulation during the course of the arbitration, specifically in their submission dated 10 April 2025.

The IHF initially opposed the amendment but expressed conditional acceptance of the revised version, subject to the fulfilment of specific procedural requirements, which the Panel finds reasonable and in alignment with the applicable rules.

In this context, although the Appellants' position ultimately prevailed in substance, it did so on the basis of an amended and clarified version of their original proposal, which was not presented to the IHF in the initial administrative process.

The Panel also notes that both parties acted in good faith throughout the proceedings, and the dispute involved genuine questions of procedural law, statutory interpretation, and governance principles.

Taking these factors into account, the Panel finds it appropriate that each party shall bear its own legal costs and expenses. No order is made as to reimbursement or allocation of procedural fees.

I. DECISION

For the reasons set out above, the Arbitration Commission renders the following decision:

- 1) The appeal lodged by the Appellants on 10 March 2025 is partially upheld.
- 2) The Panel finds that the revised version of Article 64.4 of the KHA Statutes, as presented by the Appellants in their submission dated 10 April 2025, is acceptable in substance. For the sake of completeness, the Panel recommends that the proposed amendment shall read as follows: *"Any member of the Board of Directors who has submitted his resignation is not entitled to run again for membership in the Board of Directors in the same term of office. The member concerned of the Board of Directors*

has the right to run again for elections for the next term of office of the Board of Directors."

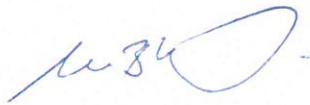
- 3) The amendment shall still be submitted to the IHF and AHF for formal approval, in line with the KHA Statutes.
- 4) The Panel recommends, but does not mandate, that the KHA implement the revised amendment in an extraordinary general assembly, following practices that reflect transparency and democratic legitimacy, including: a. Adopting the amendment by a qualified majority vote of the members present; b. Providing timely notice of the meeting and agenda to the IHF and AHF, and enabling them to attend and observe the proceedings.
- 5) Each party shall bear its own legal costs and expenses.
- 6) All other claims and requests are dismissed.

J. LEGAL REMEDY

This decision may be appealed in accordance with Article 2.2.14 of the IHF Legal Provisions (2025 edition). An appeal may be submitted to the IHF Tribunal, within one month after receipt of this decision, and must comply with the procedural requirements outlined in the IHF Legal Provisions. Appeals must be filed in writing and submitted through the IHF Office.

This Award is rendered in Basel, Switzerland, on 9 May 2025.

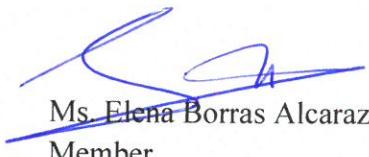
On behalf of the IHF Arbitration Commission:



Mr. Lovro Badžim
Chairperson of the Panel



Ms. Elizabeth Ling Yang
Member



Ms. Elena Borras Alcaraz
Member