

## CNLU Mediation Problem – Prelims I

### The Barksdale – Sobotka Cricket Membership Dispute

1 **A** Pentos, is a landlocked nation, with a population of over 20 million people of mixed ethnicity.  
2 It has a long history of struggle and fight for independence from its colonial masters.  
3 However, despite the infighting between the various ethnic groups, the people of Pentos  
4 stood together for the common cause of freedom. Pursuant to its freedom in 1985, Pentos  
5 slowly started developing at a moderate pace. But soon thereafter, the ethnic divide was  
6 apparent in the country.

7 **B** The two major ethnic groups in Pentos are Barksdale and Sobotka, largely found in two  
8 different regions of Pentos, i.e. West Pentos and East Pentos respectively. The basic reason  
9 behind their animosity is the colour of their skin, where Barksdale are black and Sobotka are  
10 white. Political figures like Avon Barksdale and Frank Sobotka are the primary leaders for  
11 both the ethnic groups and communal clashes are a common thing in Pentos.

12 **C** World Cricket Federation is the primary body for regulating the game of Cricket in the world.  
13 All the international tournaments take place under the flagship of World Cricket Federation.  
14 Importantly, World Cricket Federation gives recognitions to the various Cricket Boards of  
15 various countries and Cricket Board of Pentos was one of them.<sup>1</sup>

16 **D** Though Pentos has not been a politically stable country and the animosity between Barksdale  
17 and Sobotka has been increasing on a daily basis, the only thing that brings the people of  
18 Pentos together is cricket. The Pentos National Team has had quite a repute for itself at the  
19 international stage where although they have never won an international tournament, they  
20 have been producing great cricketers like D'Angelo Barksdale, Pakusa Sobotka, Nikc Sobotka  
21 etc. Children practicing in the fields is a common sight in Pentos.

22 **E** In Pentos, formal Cricket matches are organised by the Cricket Board of Pentos. Cricket  
23 Board of Pentos, currently is a seven-member committee, whose members are selected from  
24 the four states of Pentos i.e. East, West, South East and Central. Members from the East and

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<sup>1</sup> Some important clauses of World Cricket Federations Charter

Clause 1: Definition of Associate: A body which regulates or organises Cricket in its Country, Nation or State and is recognised by the World Cricket Federation.

Clause 2: In any event being organised by World Cricket Federation, only Associate, being recognised by World Cricket Federation, would be allowed to participate by sending one team, of fifteen members, each.

Clause 3: No Associate would be allowed to use events organised by World Cricket Federation for political propaganda.

Clause 4: All Associate are required to choose its members by a method, as acceptable to them, but to provide a free and fair selection or election of its members. In an event, it is found or believed by World Cricket Federation that a free and fair selection or election of members is not being provided by Associate; the membership of the Associate may be suspended or cancelled.

25 the West states enjoy a majority in the Board as it has the maximum numbers of cricketers.<sup>2</sup>  
26 Apart from organising regular cricket tournament in the country, Cricket Board of Pentos is  
27 also responsible for selecting the national team which represents the country at the  
28 international stage.

29 **F** Practice since 1985 has been to select the members of Cricket Board of Pentos by conducting  
30 proper elections wherein all the Cricketers, registered with the Cricket Board of Pentos are  
31 allowed to vote, irrespective of their age. Over the years, the elections for the Cricket Board  
32 of Pentos has become a major event in Pentos wherein political leaders like Avon Barksdale  
33 and Frank Sobotka have also started getting involved. Avon Barksdale and Frank Sobotka are  
34 infamous for using both money and muscle for political gains. At the time of elections,  
35 matches and tournament in Pentos become a display of power, with crowds waving and  
36 chanting political messages related to the upcoming elections. Moreover, players are also  
37 brought on board for campaigning for the candidates.

38 **G** Meanwhile, the economy of the country and political stability of the country has been  
39 deteriorating rapidly. Considering the conditions prevalent in the country, Major Winters, the  
40 Commander of the Pentos Armed Forces, organised a coup and declared himself as the  
41 President of Pentos. Major Winters has been a patriotic man, who had gallantly and nobly  
42 fought against the colonial forces in the war of independence, however he is infamous for his  
43 temper and keeping personal grudges against those who refuse to obey his commands.

44 **H** Soon after he secured his presidency, he introduced certain reforms to bring stability in the  
45 country, focusing essentially on ensuring discipline. He called for a meeting between Frank  
46 Sobotka and Avon Barksdale for resolving the state of affairs of the Cricket Board of Pentos.  
47 However, both the parties refused to cooperate with him. Major Winters, fumed by the  
48 actions, unilaterally altered the process of election for the Cricket Board of Pentos from  
49 election to nomination where he kept the ultimate power of selecting members with himself.

50 **I** Afterwards, Avon Barksdale, agreed to the idea of Major Winters and started working  
51 accordingly, while Frank Sobotka stayed out of the process, citing disagreement with Major  
52 Winters. Despite this non-cooperation, Major Winters went ahead with the selection of the  
53 members of the Board and appointed five members from the Barksdale community. No  
54 member from the Sobotka community was appointed on the Board which annoyed the  
55 Sobotkas.

56 **J** The first task before the reconstituted Board was to select the team for the upcoming World  
57 Cup. Interestingly, in a squad of fifteen members only three people from the Sobotka

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<sup>2</sup> As per the bye-laws of Cricket Board of Pentos, the national team was to be selected only from the cricketers registered with Cricket Board of Pentos.

58 community<sup>3</sup> and nine from Barksdale community were selected. This brought a significant  
59 outrage among the Sobotka community. In defiance, the Sobotkan Cricketers resigned from  
60 the membership of Cricket Board of Pentos. Thereafter, Frank Sobotka created another  
61 organisation i.e. Board of Cricket Regulation in Pentos, duly registered under the laws of  
62 Pentos, wherein he started registering Cricketers of Pentos.

63 **K** Considering the team sent by Cricket Board of Pentos had three names of such cricketers  
64 who had resigned from its membership, the World Cricket Federation refused to accept the  
65 team and asked the Board to send a fresh list. Meanwhile, the Board of Cricket Regulation in  
66 Pentos also applied for the membership of World Cricket Federation and sent a team with 8  
67 Sobotkas and 5 Barksdales and 2 others.

68 **L** Due to the confusion created and World Cup being around the corner, World Cricket  
69 Federation referred the dispute between Cricket Board of Pentos and Board of Cricket  
70 Regulation in Pentos to its Dispute Resolution Board on the following issues:

- 71 a. Under its Charter, which Cricket Board should be made an Associate?  
72 b. What should be the procedure or criteria of selecting players by the Associate and how its  
73 members should be elected/selected?

74 **M** The associates were allowed to be represented through their counsel before a two member  
75 mediation board constituted by Federation of World Cricket under its Dispute Resolution  
76 Board.

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<sup>3</sup> The three Sobotka players were: Nick Sobotka, Pakusa Sobotka and Ziggy Sobotka.