

## ARBITRAL AWARD

delivered by the  
**UIPM COURT OF ARBITRATION**  
sitting in the following composition:

President: Mr Markus Manninen, Attorney-at-law, Finland

Arbitrators: Dr Mohamed Fadlalla, Egypt

Mr Blair Driggs, United States

in the arbitration between

**Egyptian Modern Pentathlon Federation**, Egypt

Represented by Dr Haytham Ali, Ms Nermene Mandouh, Ms Fatma Maged, Ms Massa Elfeky and Mr Nour El Asuty, Ali & Co, Cairo, Egypt

**Claimant**

and

**Union Internationale de Pentathlon Moderne**, Monaco

Represented by Dr Paul Fischer and Mr David Menz, Attorneys-at-law, Martens Rechtsanwälte, Munich, Germany

**Respondent**

and

**USA Pentathlon Multisport**, United States of America

Represented by Mr Tom Shepard, United States of America

**Intervening Party**

## I. PARTIES

1. The Claimant, Egyptian Modern Pentathlon Federation (“EMPF”), is a member of the Union Internationale de Pentathlon Moderne (“UIPM”) and serves as the national federation for the sport of modern pentathlon in Egypt.
2. The Respondent, UIPM, is the world-governing body of modern pentathlon. It is headquartered in Monaco.
3. The Intervening Party, USA Pentathlon Multisport (“USAPM”), is a member of UIPM and serves as the national federation for modern pentathlon in the United States of America.
4. The Claimant, the Respondent, and the Intervening Party are hereinafter jointly referred to as the “Parties” and each individually as a “Party”.

## II. FACTUAL BACKGROUND

5. Below is a summary of the main relevant facts and allegations based on the Parties’ written submissions, pleadings and evidence adduced in the course of the present proceedings. Additional facts and allegations found in the Parties’ written submissions, pleadings and evidence may be set out, where relevant, in connection with the legal discussion that follows. While the Panel has considered all the facts, allegations, legal arguments and evidence submitted by the Parties in the present proceedings, it refers in its award only to the submissions and evidence it considers necessary to explain its reasoning.
6. The dispute arises from the UIPM presidential election at the 2024 UIPM General Assembly held on 16-17 November 2024 in Riyadh, Saudi Arabia (the “Congress”). The Congress included elections for the UIPM President, five Vice-Presidents, Executive Board members, and other positions.
7. Prior to the Congress, the then UIPM President, Dr Klaus Schormann, announced that he would not run for re-election and the following three individuals were nominated by their respective member federation as candidates for the next UIPM President:
  - Mr Joel Bouzou from France,
  - Eng Sherif El Erian from Egypt (EMPF’s candidate),
  - Mr Robert Stull from the United States of America (USAPM’s candidate).
8. On 16 November 2024, the presidential elections were held. The result of the first ballot was as follows: Eng El Erian 42 votes, Mr Stull 38 votes, and Mr Bouzou 22 votes. Following the public display of the results of the first ballot to all delegates and candidates, the UIPM Secretary General Ms Shiny Fang explained that a second round was required to be conducted without the candidate who had received the least votes in the first round. Therefore, Mr Bouzou was eliminated from the list of presidential candidates. Ms Fang further explained that in the second round, still a 50% plus 1 majority was needed.
9. The delegates were asked to continue with the voting procedure. The result of the second ballot was as follows: Eng El Erian 51 votes and Mr Stull 50 votes. The UIPM Secretary General, in conjunction with the UIPM Legal Counsel Ms Fulvia Lucantonio, subsequently advised the Congress that Eng El Erian had not achieved an absolute majority required for the second ballot. Therefore, a third voting round had to be conducted.

10. Consequently, a third ballot of voting was conducted between the same candidates. The result of the third ballot was as follows: Mr Stull 53 votes and Eng El Erian 48 votes. Mr Stull thus received an absolute majority of votes as defined in Article 10.2 of the UIPM Election Rules (“Election Rules”). The result was publicly displayed, and the voting process was concluded.
11. On the same day, 16 November 2024, a challenge signed by Eng El Erian was submitted to, inter alia, Dr Schormann and Ms Lucantonio (“Challenge”). According to the Challenge, a breach of the Election Rules had occurred. Therefore, the decision to conduct a third round of voting as well as the validity of the election results were challenged. The following requests were presented in the Challenge: *“An immediate review of the election process and the results. Nullification of the third ballot and recognition of the second ballot as the decisive round. Declaration of Mr. Sharif Elerian as the duly elected President of the UIPM (World Pentathlon) based on his simple majority in the second ballot.”*
12. On 17 November 2024, the UIPM Electoral Committee acknowledged receipt of the Challenge.
13. On 22 November 2024, UIPM filed its response to the Challenge requesting the UIPM Electoral Committee to dismiss the Challenge (“Response”).
14. On 30 November 2024, the UIPM Electoral Committee dismissed the Challenge.

### **III. PROCEEDINGS BEFORE THE UIPM COURT OF ARBITRATION**

15. On 10 December 2024, EMPF filed a request for arbitration with supporting documents (“Request for Arbitration”) and nominated Dr Mohamed Fadlalla as its appointed arbitrator from the UIPM list of arbitrators.
16. On 16 December 2024, via registered letter, UIPM received the Request for Arbitration.
17. On 26 December 2024, UIPM nominated Mr Blair Driggs as its appointed arbitrator. In the same context, the UIPM Secretary General invited Dr Fadlalla and Mr Driggs to agree on the President of the Panel by 7 January 2025 and noted that UIPM had been informed by USAPM that, once the Court of Arbitration is established, USAPM wishes to be invited by the President of Panel to join the proceedings.
18. It subsequently transpired that no agreement on the President of the Panel was reached. Therefore, the President of the Court of Arbitration for Sport’s (“CAS”) Ordinary Arbitration Division proposed Mr Markus Manninen to serve as the President of the Panel.
19. On 29 April 2025, the UIPM Secretary General informed Dr Fadlalla, Mr Driggs, EMPF and UIPM about the nomination of Mr Manninen as the President of the Panel providing a period of seven days to indicate whether there were any circumstances giving rise to legitimate doubts over Mr Manninen’s independence or impartiality.
20. On 8 May 2025, the UIPM Secretariat informed the Panel, EMPF and UIPM that the UIPM Secretariat had not received any submissions regarding Mr Manninen’s independence or impartiality. Therefore, the UIPM Secretariat provided the Panel with EMPF’s Request for Arbitration, UIPM Secretary General’s e-mail dated 26 December 2024, and a letter dated 7 May 2025 by UIPM’s external counsel. In said letter, UIPM requested the Panel to issue a procedural order setting a 30-day time limit for UIPM to file its Answer to the Request for Arbitration (“Answer”). UIPM further requested the Panel to invite USAPM to join the present proceedings and to grant USAPM an opportunity to file a submission within the same time limit.
21. On 10 May 2025, EMPF objected to UIPM’s requests for a 30-day time limit to file an Answer and for USAPM to be invited to join the proceedings.

22. On 19 May 2025, the Panel invited UIPM to comment on the issues raised in EMPF's letter dated 10 May 2025, specifically inviting UIPM to present grounds for (1) extending UIPM's deadline to file an Answer to 30 days from receipt of the Panel's procedural order; and (2) inviting USAPM to join the proceedings. Furthermore, the Panel invited USAPM to notify the Panel whether USAPM wished to be joined in the present proceedings and to provide supporting arguments.
23. On 22 May 2025, the UIPM Secretary General sent further exhibits filed by EMPF with the Request for Arbitration to the Panel.
24. On 23 May 2025, UIPM provided its comments on EMPF's letter dated 10 May 2025.
25. On the same day, USAPM confirmed its request to join the proceedings and provided supporting grounds.
26. On 30 May 2025, the Panel decided to allow USAPM's participation in the present proceedings as an intervening party, and in that capacity to file written and oral submissions (if any). In addition, the Panel granted a 30-day time limit for UIPM and USAPM to file their submissions.
27. On 30 June 2025, UIPM submitted its Answer.
28. On the same day, USAPM filed its submission regarding the Request for Arbitration ("Submission").
29. On 1 July 2025, EMPF requested a period of seven days to file a reply to the Answer and the Submission ("Reply"). Further, EMPF proposed that a hearing be scheduled.
30. On 8 July 2025, the Panel granted the Parties an opportunity to file second written submissions. The Panel invited EMPF to file its second written submission on 15 July 2025 at the latest. The Panel noted that UIPM and USAPM would be invited to file their second written submissions within a similar time limit after EMPF had filed its second written submission. The Panel also confirmed that any decisions with respect to a potential hearing would be made after the completion of the written preparation of the case.
31. On 15 July 2025, EMPF filed its Reply.
32. On 24 July 2025, UIPM and USAPM filed their second submissions.
33. On 14 August 2025, the Panel informed the Parties that it had decided to hold an online hearing and invited them to submit lists of fact and expert witnesses to be examined. The Panel noted that no further written statements shall be filed but allowed the Parties to submit a brief summary of the expected testimony of individuals who had not filed any written statement.
34. On 22 August 2025, the Parties submitted their lists of fact and expert witnesses to be examined in the hearing.
35. On 25 August 2025, UIPM requested the Panel to invite EMPF to provide more details on the facts the new witnesses introduced by EMPF on 22 August 2025 are going to testify on, and to instruct EMPF that such a presentation of facts shall be limited to the facts following from the written submissions.
36. On 26 August 2025, the Panel confirmed the receipt of UIPM's letter and granted EMPF an opportunity to submit a response to the letter by 29 August 2025.
37. On 29 August 2025, EMPF submitted its comments to UIPM's letter dated 25 August 2025.
38. On 16 September 2025, the Panel informed the Parties that in the Panel's view, there are grounds to examine seven individuals proposed by the Parties: (1) Eng El Erian, (2) Mr Bouzou, (3) Dr

Schormann, (4) Prof Dr Geistlinger, (5) Mr Stull, (6) Ms Lucantonio, and (7) Mr Shepard. The Panel also noted that the hearing would be divided to two days and invited the Parties to confirm their availability for 10 and 17 October 2025.

39. On 19 September 2025, EMPF, UIPM and USAPM confirmed their availability for a hearing on 10 October 2025 and made proposals as to the timing of the second hearing day.
40. On 29 September 2025, the Panel confirmed that the first hearing will be held on 10 October 2025.
41. On 3 October 2025, the Panel circulated a tentative hearing schedule for the first hearing day to the Parties, invited the Parties to comment on the dates proposed by the Panel for the second hearing day, and invited the Parties to instruct all witnesses to adhere to the facts following from the written submissions and witness statements.
42. On 8 October 2025, EMPF and UIPM confirmed their availability for the second hearing day on 10 November 2025.
43. On 10 October 2025, the Panel confirmed that the second hearing day will be held on 10 November 2025, as none of the Parties had objected to this.
44. On the same day, the first part of the hearing was held. The Panel was joined by the following:

For EMPF:

- Eng Sherif El Erian, President of EMPF
- Dr Haytham Ali, counsel
- Ms Massa El Feky, counsel
- Ms Fatma Maged, counsel

For UIPM:

- Mr Robert Stull, President of UIPM
- Ms Shiny Fang, UIPM Secretary General
- Dr Paul Fischer, counsel
- Mr David Menz, counsel

For USAPM:

- Mr Tom Shepard, Chairman of USAPM

Fact witnesses:

- Mr Joel Bouzou
- Ms Fulvia Lucantonio

45. Dr Schormann was also invited to be examined as a fact witness on the first hearing day, but he was unable to join the hearing at his designated time due to technical issues. Therefore, EMPF requested that Dr Schormann be examined on the second hearing day. UIPM objected to this. USAPM had

no observations to make. The Panel informed that it would consider the matter concerning the examination of Dr Schormann, after which the first hearing day was closed.

46. On 21 October 2025, the Panel informed the Parties that it had decided to allow Dr Schormann's examination on the second hearing day prior to the examination of Prof Dr Geistlinger and Ms Lucantonio as expert witnesses. Considering that all other fact witnesses were examined on 10 October 2025, in the interest of fairness and to safeguard a smooth second hearing day, the Panel invited EMPF to file a brief written witness statement by Dr Schormann by 3 November 2025.
47. On 3 November 2025, EMPF submitted Dr Schormann's witness statement and its attachments.
48. On 4 November 2025, UIPM requested the Panel to reject the following parts of Dr. Schormann's witness statement: (1) the part concerning Dr Schormann's opinion about his competence regarding the minutes of the Executive Board meeting and the Congress, and (2) the "Docket of exhibits" and Dr Schormann's references thereto.
49. On the same day, the Panel invited EMPF and USAPM to submit their comments on UIPM's e-mail by 21.00 CET on 5 November 2025.
50. On 5 November 2025, USAPM and EMPF submitted their comments. USAPM requested the Panel to fully reject the Witness Statement of Dr Schormann as being bad faith attempt to introduce irrelevant evidence and not addressing the primary concern of the case. EMPF requested that the Panel dismiss UIPM's and USAPM's objections in their entirety and proceed with the examination of Dr Schormann as previously ordered.
51. On 10 November 2025, the Panel informed the Parties that it had decided to (1) reject paragraphs 2 and 3 of Dr Schormann's Witness Statement concerning the signing of the minutes of the Executive Board meeting and the Congress, and (2) to admit the rest of his Witness Statement, together with the accompanying exhibits.
52. On the same day, the second online hearing day was held. The Panel was joined by the following:

For the Claimant:

- Eng Sherif El Erian, President of EMPF
- Dr Haytham Ali, counsel
- Ms Massa El Feky, counsel
- Ms Fatma Maged, counsel

For the Respondent:

- Mr Robert Stull, President of UIPM
- Ms Shiny Fang, UIPM Secretary General
- Dr Paul Fischer, counsel
- Mr David Menz, counsel

For the Intervening Party:

- Mr Tom Shepard, Chairman of USAPM

Fact witnesses:

- Dr Klaus Schormann

Experts:

- Prof Dr Michael Geistlinger
- Ms Fulvia Lucantonio

53. At the end of the second hearing day, each Party confirmed that its right to plead its case had been respected and that the Parties had been treated equally.

**IV. SUBMISSIONS OF THE PARTIES**

54. The following is a summary of the Parties' submissions and does not purport to be comprehensive. However, the Panel has thoroughly considered in its deliberations all of the evidence and arguments submitted by the Parties, even if no specific or detailed reference has been made to these arguments in the following outline of their positions and the ensuing discussion on the merits.

**A. EMPF**

55. EMPF submits, in essence, the following:

- The Election Rules were applied incorrectly during the 2024 presidential election. Under Article 9.4 of the Election Rules, once there are only two candidates remaining (as occurred after the first ballot), a simple majority rather than an absolute majority suffices for election of the UIPM President.
- Article 9 of the Election Rules constitutes *lex specialis* that governs the specific electoral procedure, including the transition from absolute to simple majority requirements, while Article 14.2 of the UIPM Statutes merely sets out a general requirement for election by absolute majority.
- Since Eng El Erian received 51 votes compared to Mr Stull's 50 votes in the second ballot, he achieved the required simple majority and should have been declared the rightfully elected UIPM President.

56. In the light of the above, EMPF submits the following prayers for relief (Reply, p. 33-34):

*“- Declare that the decision of the UIPM Electoral Committee, dated 1 December 2024, dismissing the Claimant’s Challenge groundless, and revoked.*

*- Declare Mr. Sherif El Erian as the rightfully elected President of the UIPM President as of 16 November 2024 as consequence of the second ballot of voting.*

*- Order the annulment of the third ballot of voting held on 16 November 2024 and declare that the third ballot results null and void and any subsequent decisions resulting from this ballot, including the declaration of Mr. Robert Stull as the UIPM President is null and void.*

*- Award any further or consequential relief the Court deems necessary to remedy the violation of the Claimant’s rights and the improper election process.*

*- Order the Respondent and USAPM to pay the Claimant's costs and expenses arising out of these proceedings, including, without limitation, the costs of arbitration, legal fees, and costs of legal representation."*

**B. UIPM**

57. UIPM submits, in essence, the following:

- EMPF's interpretation of the applicable rules would undermine the hierarchy of UIPM rules as established in Article 36.4 of the UIPM Statutes. This provision aligns with the "higher-ranking-rule-principle", which allows lower-level provisions (Election Rules) to concretize higher-ranking provisions (UIPM Statutes) but does not permit lower-ranking rules to contradict them.
- Article 14.2 of the UIPM Statutes prevails over Article 9 of the Election Rules and requires an absolute majority for the election of the UIPM President. Acknowledging the election of the UIPM President by simple majority would constitute an unprecedented deviation from UIPM practice and a violation of Article 14.2 of the UIPM Statutes.
- UIPM correctly proceeded with the voting procedure after the second round of voting, and Mr Stull being the only candidate to receive an absolute majority of votes cast was correctly confirmed as UIPM President.

58. In the light of the above, UIPM submits the following prayers for relief (second submission, p. 13):

*"I. dismiss the 'request for arbitration' and all requests for relief by EMPF;*  
*II. order EMPF to pay the costs of the proceedings (if any) before the UIPM Court of Arbitration;*  
*III. order EMPF to contribute to the UIPM's legal and other costs incurred in connection with these proceedings, in an amount of EUR 12,500, alternatively to be determined at the discretion of the Panel."*

**C. USAPM**

59. USAPM submits, in essence, the following:

- USAPM aligns itself with UIPM's arguments and refers to UIPM's submissions regarding the hierarchy of UIPM rules. USAPM supports the position that Article 14.2 of the UIPM Statutes prevails over Article 9 of the Election Rules and requires an absolute majority for the election of the UIPM President.
- USAPM held a legitimate expectation that the rules would be applied in accordance with previous practice, supporting its position that an absolute majority was required throughout all voting rounds, and that its candidate Mr Stull was rightfully elected as UIPM President.

60. In the light of the above, USAPM submits the following prayers for relief (second submission, p. 6):

*"In view of the USAPM's first submissions and the reasons outlined above, the USAPM respectfully maintains its request to dismiss the EMPF's requests for relief in toto."*

**V. JURISDICTION**

61. The jurisdiction of the Panel is not disputed as such. On the contrary, UIPM and USAPM have confirmed in their submissions that they do not dispute the competence of the UIPM Court of Arbitration.

62. However, UIPM submits that the Panel's scope of review is limited to the grounds raised in the Challenge before the UIPM Electoral Committee. The Panel makes the following observations in this respect.
63. First, no reasoned decision of the Electoral Committee is available. Consequently, EMPF has not been able to identify specific errors in the Electoral Committee's reasoning, nor can the Panel review the Electoral Committee's reasoning.
64. Second, it appears that the first-instance procedure before the Electoral Committee was subject to restricted time limits for arguments and evidence. This has limited EMPF's ability to develop comprehensive legal arguments, gather and present evidence, and thoroughly represent itself in the proceedings upon which these arbitration proceedings are based. The Panel understands from the evidence adduced that there were neither multiple rounds of submissions nor hearings in the first instance.
65. Third, according to Article R57(1) of the Code of Sports-related Arbitration of the Court of Arbitration for Sport ("CAS Code"), "*the Panel has full power to review the facts and the law. It may issue a new decision which replaces the decision challenged or annul the decision and refer the case back to the previous instance.*" This *de novo* review power means that the appellate body may make its own independent assessment not bound by the first-instance decision. Under *de novo* review powers, the panel may consider new evidence and arguments, reach different conclusions from the first-instance body, and substitute its own judgement for that of the first-instance body. While the first-instance decision is essentially a trigger for the proceedings, it is not a constraint on the Panel's decision-making.
66. Finally, the Panel observes that also UIPM's grounds have been expanded beyond those submitted in its reply to the Challenge.
67. Based on the foregoing, the Panel finds that it has full jurisdiction to review the Request for Arbitration regarding the potential breach of the Election Rules and related potentially invalid election result.

## **VI. SEAT**

68. Article 7.2.3 of the UIPM Code of Ethics provides in its relevant parts as follows:

*"The seat of the UIPM Court of Arbitration is Monaco. The place of hearing of the arbitration shall be at the absolute discretion of the Court."*

69. Consequently, the seat of this arbitration is Monaco.

## **VII. APPLICABLE LAW AND PROCEDURAL RULES**

70. Article 7.2.3 of the UIPM Code of Ethics provides in its relevant parts as follows:

*"The applicable law of the arbitration shall be agreed by the parties and in default of agreement determined by the Court as having the most appropriate connection with the dispute."*

71. Article 8.9 of the UIPM Code of Ethics reads as follows:

*"In their decisions, the Court may have regard to UIPM Statutes, this Code and any other applicable UIPM Rules."*

72. The Panel notes that the Parties have not agreed on the applicable law. UIPM has submitted that if necessary, Monegasque law should be applied.

73. The Panel considers that in line with Article 8.9 of the UIPM Code of Ethics, UIPM Statutes, UIPM Code of Ethics and any other applicable UIPM rules shall be the basis of the Panel's decision. In addition, considering that according to Article 1.1 of the UIPM Statutes, UIPM is an association under Monegasque law, is governed by the general principles of Monegasque law and is based in Monaco, the Panel finds that Monegasque law shall be applied, if necessary.

74. The Panel observes that the applicable UIPM rules have been adopted at different times. In particular, the Panel notes that the currently applicable Election Rules have been effective as of 17 November 2024. This matter relates to events occurred on 16 November 2024. Therefore, the Panel shall apply the Election Rules – as well as other rules – valid on 16 November 2024. Having said this, the Panel notes that the currently applicable Election Rules do not differ in relevant respects from the rules previously in force. To the necessary extent, the Panel may draw attention to the wording of the previous UIPM rules.

75. With respect to the procedural rules, in addition to UIPM's applicable rules, the Panel will take into account the content of the CAS Code and CAS jurisprudence since Article 8.14 of the UIPM Code of Ethics provides for the CAS being the appeal instance. The law of the seat, namely Monegasque law, shall be applied, if necessary.

### **VIII. ADMISSIBILITY**

76. UIPM and USAPM have raised essentially the following objections and grounds as regards the admissibility of the Request for Arbitration:

- EMPF (or Eng El Erian) failed to exhaust available legal remedies in a timely manner. Eng El Erian failed to comply with Article 11.1 of the Election Rules, which requires protests to be submitted in writing to the President of the General Assembly *“before the closing of the respective meeting”*. Eng El Erian filed no protest during the 16 November 2024 meeting where the presidential elections occurred, only doing so afterwards.
- The Challenge filed by Mr El Erian cannot be attributed to EMPF, as he filed it in his personal capacity. Pursuant to Articles 11.1 and 11.2 of the Election Rules, EMPF should have first challenged the election results with the Electoral Committee before escalating the matter to the UIPM Court of Arbitration. The Electoral Committee dismissed the Challenge “in its entirety” as having “no merit” without confirming EMPF’s right to pursue the matter further.
- EMPF (or Eng El Erian) is estopped from challenging the outcome of the presidential election based on Eng El Erian’s subsequent conduct. According to Article 9.7 of the Election Rules, only an “unsuccessful candidate” may be included in a subsequent election for any other position. Since it is EMPF’s case that Eng El Erian succeeded in the presidential election with the required majority, his participation in the subsequent elections is in direct contradiction to such claim. Second, Article 1.3 of the Election Rules prohibits any person from having more than one function in the Executive Board. Since Eng El Erian has taken office as a Vice-President within the UIPM Executive Board on 18 November 2024, EMPF’s Request for Arbitration is moot since it cannot be upheld without resulting in a direct breach of the Election Rules and such breach had only been caused by Eng El Erian’s own contradictory course of action.

77. EMPF objects these views essentially on the following grounds:

- The Challenge was validly submitted by Eng El Erian, as President of the EMPF, on 16 November 2024 in compliance with the Election Rules. The Challenge was lodged before the General Assembly closed, as required by Article 11.1 of the Election Rules.

- Article 11.2 of the Election Rules expressly entitles any “Member” to bring rule breaches to the Electoral Committee’s attention. Eng El Erian submitted the Challenge in his capacity as the President of a member.
- The Electoral Committee’s correspondence of 17 November 2024 acknowledged the Challenge as made by EMPF. Whilst the Electoral Committee rejected the Challenge, it did not deem it inadmissible. By assessing its substance, the Electoral Committee implicitly confirmed its admissibility and EMPF’s standing. USAPM conflates rejection on the merits with inadmissibility.
- Having exhausted internal remedies, EMPF was entitled to refer the dispute to arbitration. Pursuant to Article 7.3 of the UIPM Code of Ethics, the UIPM Court of Arbitration has jurisdiction over disputes between UIPM and its members, including those arising from alleged breaches of the Election Rules.
- The allegation that Eng El Erian’s or EMPF’s conduct constitutes a waiver is unfounded. EMPF complied with the procedural framework for electoral challenges and has never claimed a right to hold both the Presidency and Vice-Presidency. Eng El Erian’s Vice-Presidential appointment arose solely from UIPM’s misinterpretation of the Election Rules. Before accepting the Vice-Presidency on 17 November 2024, Eng El Erian informed UIPM bodies that he had challenged the presidential election and that his Vice-Presidential candidacy did not waive this objection.

78. In the light of the Parties’ submissions, there are three main issues regarding admissibility to be addressed:

1. Was the Challenge filed in a timely manner pursuant to Article 11.1 of the Election Rules, i.e. *“before the closing of the respective meeting of the General Assembly”*?
2. Was the Challenge filed by EMPF as a member of UIPM, or by Eng El Erian as an individual?
3. Was EMPF estopped from challenging the outcome of the presidential election as a result of Eng El Erian’s and/or EMPF’s subsequent conduct concerning the Vice-Presidency of UIPM?

79. Should the answer to the first two questions be in the affirmative and to the third question in the negative, the Panel shall proceed to examine this matter on its merits.

#### **A. Timeliness of the Challenge**

80. As regards the timeliness of the Challenge, the Panel notes that Article 11.1 of the Election Rules reads in its relevant parts as follows:

*“If the result of the elections is challenged, any protest shall be made in writing and presented to the President of the General Assembly before the closing of the respective meeting of the General Assembly. (...)"*

81. The Panel notes that the Election Rules or any other applicable UIPM rules do not expressly define the temporal scope of a “meeting” of the General Assembly, nor do they specify whether a General Assembly that takes place over multiple days constitutes a single meeting or multiple meetings.

82. However, the Panel observes that pursuant to Article 19.3 of the UIPM Statutes, the General Assembly *“meets at least once every other year”* when convened by the President. Furthermore, Article 19.4 provides that the President shall summon the members to the General Assembly at least 90 days before *“the date of the meeting”* together with the provisional agenda.

83. The Panel finds that the use of the singular “*the date of the meeting*” in the UIPM Statutes, rather than the plural “*meetings*”, supports an interpretation that the statutory ordinary meeting of the General Assembly constitutes a single continuous meeting, even where it spans over multiple days. It follows that any intervals between such days or agenda items do not result in the closure of the meeting of the General Assembly within the meaning of Article 11.1 of the Election Rules. Rather, the meeting is adjourned during such intervals. The meeting of the General Assembly is only closed when the meeting is formally declared closed.

84. This view is supported also by the UIPM Rules on Internal Organisation where, for instance, Article 5.1 defines the full agenda for an ordinary “*meeting*” of the General Assembly and Articles 5.2 and 5.3 establish different time limits concerning an ordinary “*meeting*” and an extraordinary “*meeting*” of the General Assembly.

85. Furthermore, Article 6.1 of the UIPM Rules on Internal Organisation provides that the Executive Board has powers to represent the General Assembly “*in the period between the meetings*” and to decide on all necessary matters which cannot be postponed till “*the next meeting of the General Assembly*”. In the Panel’s view, it would be illogical for this to refer to a situation where the meeting of the General Assembly is split over two days, with the Executive Board representing the General Assembly in between. Rather, the rule must be understood to refer to a right of representation between two meetings of the General Assembly i.e. in a period measured in years.

86. Finally, the Panel observes that the meeting minutes adduced in evidence also support this interpretation. In the minutes, UIPM Congresses (i.e. meetings of the General Assembly) are divided into “*Days*” (“*Day 1*” and “*Day 2*”), and the days are further subdivided into “*Sessions*”, between which there are breaks (see, for instance, R-04 and R-05). Based on the minutes, UIPM Congresses are not divided into multiple meetings.

87. Based on the foregoing, the Panel finds that the time limit set out in Article 11.1 of the Election Rules, namely “*before the closing of the respective meeting of the General Assembly*”, refers to the UIPM Congress as a single meeting, in which matters on the agenda are usually addressed over two days and four sessions for practical reasons. It follows from this interpretation that the Challenge submitted to the President of the General Assembly in the evening of the first day of the Congress on 16 November 2024 was filed in a timely manner.

88. For the sake of completeness, the Panel notes that, in this context, it is immaterial whether any candidate or delegate objected to the voting process or its results immediately during or after the presidential election. Nor does any absence of objection constitute an estoppel affecting admissibility.

## **B. Was the Challenge filed by EMPF in its capacity as a member of UIPM?**

89. UIPM and USAPM submit that Eng El Erian signed the Challenge in his own name, not as a Member of UIPM as required by Article 11.2 of the Election Rules. The Panel notes that it is undisputed that the signature block of the Challenge letters (three in total, see C-02) bears Eng El Erian’s signature followed solely by Eng El Erian’s name, and does not indicate that the letter is submitted by EMPF. However, this issue should be assessed considering all evidence on the file instead of this detail only.

90. The Panel notes that the Challenge letters signed by Eng El Erian on 16 November 2024 are addressed to (1) the UIPM Electoral Committee, (2) the UIPM Legal Committee and (3) the President of the General Assembly, i.e., Dr Schormann (C-02). The letters have been sent as separate e-mails to the following email addresses: elections@pentathlon.org, legal@pentathlon.org, schormann.k@arcor.de, presidentoffice@pentathlon.org and shinyfang@pentathlon.org. Importantly, the e-mails accompanying the letters were sent from the address empf@pentathlonegypt.org, and not, for instance, from Eng El Erian’s personal e-mail address. The

cover e-mails contain almost identical language, concluding with the salutation ‘*Warm regards, Egyptian Modern Pentathlon Federation*’. The Panel finds that the sender’s e-mail address and this wording suggest that the letters were sent by and on behalf of EMPF.

91. The letters themselves have been written in plural (“*we*”) and Eng El Erian is referred to therein in the third person, as opposed to in the first-person singular. Further, the signatory of the letters, Eng El Erian, was at the time of the letters the President of EMPF and had the authority to represent EMPF within UIPM. The Panel finds that also these factors support the conclusion that the Challenge was submitted by EMPF represented by Eng El Erian.
92. Furthermore, the Panel notes that Ms Angela Ives, a member of the UIPM Electoral Committee, in an e-mail sent on 17 November 2024 to the address [empf@pentathlonegypt.org](mailto:empf@pentathlonegypt.org) acknowledging receipt of the Challenge and covering e-mail, stated the following:

*“The UIPM Electoral Committee acknowledges receipt of the appeal by the Egyptian Federation against the results of the Presidential elections (...)”* (C-04).

93. Accordingly, the Panel finds that the Electoral Committee originally took the position that it was EMPF and not Eng El Erian who filed the Challenge.
94. As regards USAPM’s position that the Electoral Committee found the Challenge inadmissible as it “*dismissed*” the Challenge “*in its entirety*”, the Panel does not concur with USAPM. The Panel notes that Ms Ives sent an e-mail, on behalf of the Electoral Committee, to EMPF and UIPM on 30 November 2024 which stated the following: *“The Electoral Committee has considered the submissions of Mr. El Erian and the UIPM and concludes that the challenge by Mr. El Erian has no merit and therefore should be dismissed in its entirety.”*
95. In the Panel’s view, the wording “*has considered the submissions*” does not exclude the possibility that the Electoral Committee reviewed and examined the arguments and evidence presented by both parties. The Panel also deems that the Electoral Committee’s finding “*has no merit*” rather refers to a substantive finding that the Challenge fails because the arguments and grounds submitted by EMPF are insufficient or unconvincing, not to a failure to meet procedural prerequisites. Had the Electoral Committee found the Challenge inadmissible, the Panel would have expected it to expressly note that.
96. Based on the foregoing, the Panel concludes that there are more factors supporting EMPF’s position on the second question regarding admissibility. The Panel thus concludes that the Challenge was filed by EMPF as a member of UIPM.

**C. Is EMPF estopped from challenging the presidential election because of the subsequent conduct regarding Vice-Presidency?**

97. There remains the question whether the conduct of Eng El Erian and/or EMPF following the submission of the Challenge demonstrates that they accepted the outcome of the presidential election. This conduct relates, on the one hand, to the allegation that only an unsuccessful presidential candidate may participate in the Vice-Presidential election and, on the other hand, to the allegation that Eng El Erian’s Vice-Presidency would prohibit him from serving as the UIPM President.
98. The relevant parts of the Election Rules invoked as grounds for these estoppel claims read as follows:

*“1.3 (...) No person can have more than one function in the Executive Board.*

(...)

*9.7 An unsuccessful candidate for any position may, if also so nominated, be included in a subsequent election for any other position.”*

99. In CAS jurisprudence, estoppel (reliance in good faith, *venire contra factum proprium*) has been defined as a doctrine recognised by common law, Swiss law, and some other legal systems and which provides that where the conduct of one party has induced legitimate expectations in another party, the first party is estopped from changing its course of action to the detriment of the second party (see, e.g., CAS OG 02/006, para. 18; CAS 2008/O/1455, paras. 16-21; CAS 2015/A/4195, paras. 42-43; CAS 2021/A/7630, para. 118).
100. The doctrine may prevent parties from, for instance, (1) imposing late changes without proper rulemaking procedures and adequate notice, (2) switching procedural positions after inducing legitimate expectations through prior conduct, or (3) remaining silent when procedural rules require objection, then later claiming non-acceptance. In essence, the doctrine is aimed at preventing actions done in bad faith by different parties.
101. The Panel finds that the facts and circumstances of the case do not justify the application of estoppel. First, UIPM’s rules related to elections and guidance concerning them have not been consistent, making it possible that its members have legitimately and genuinely been unaware of the correct application of the rules. Second, the Panel has found above that EMPF did not remain silent after understanding UIPM’s position on the required majority but rather submitted its Challenge correctly on the same day. UIPM and USAPM have not presented convincing evidence that EMPF changed its position with respect to the required majorities. In the Panel’s view, EMPF challenged the results of the presidential election without undue delay and has maintained that challenge. The Panel has not identified any bad faith conduct by EMPF that would prevent it from challenging the result of the presidential election. There was no such conduct by EMPF that induced UIPM or other stakeholders to believe that EMPF accepted the outcome of the election.
102. With respect to the second prong of this item, the Panel finds that the challenge mechanism under the Election Rules is designed to provide legal protection both to the candidates seeking positions of trust and to UIPM Members nominating them. In the Panel’s assessment, the submission and adjudication of a challenge concerning a particular position cannot, and should not, have any bearing upon an individual’s eligibility to seek other positions of trust within UIPM during the adjudication of their challenge.
103. It is manifest that Eng El Erian sought primarily to be elected as the UIPM President and, secondarily, Vice-President. In the Congress and thereafter, it was UIPM who determined Eng El Erian to be an “unsuccessful candidate” within the meaning of Article 9.7 of the Election Rules in respect of the presidential election. Following this, Eng El Erian stood as a candidate and was duly elected as Vice-President. There is no evidence suggesting that Eng El Erian acted other than in good faith in this regard. Had the pending Challenge precluded him from seeking this position, this would have meant that he would have been left without any presidential position within UIPM. In the Panel’s view, such an outcome would be inconsistent with the purpose and spirit of the challenge system under the Election Rules.
104. As opposed to the positions advanced by UIPM and USAPM, the Panel finds that there is no contradiction between these provisions and the Challenge. On the contrary, it would be discriminatory if the act of raising and challenging a suspected procedural error or breach of rules in an election were to result in a forfeiture of the right to stand for election and be elected to other positions of trust.
105. In conclusion, Eng El Erian’s standing as a candidate and being elected as UIPM Vice-President do not constitute a waiver of the right to bring this matter for adjudication. Further, in the Panel’s view, Article 1.3 of the Election Rules does not give rise to a waiver in the present circumstances either. The Panel finds no support for the assertions that such a prohibition on holding two positions is

relevant in the matter at hand. Should EMPF's substantive arguments succeed, and should it be determined that Eng El Erian was entitled to the position of UIPM President, he would be required to relinquish the position of Vice-President, which would pass to another person in accordance with the applicable UIPM rules.

106. Based on the foregoing, the Panel finds that EMPF's Request for Arbitration is admissible.

## IX. MERITS

### A. Key questions to be resolved

107. Considering all Parties' submissions, the key question to be determined by the Panel is whether in the second round of voting for the position of UIPM President with two candidates remaining, a candidate is required to obtain a simple majority or an absolute majority of valid votes cast to be elected as UIPM President. Resolution of this key question requires the Panel addressing two preliminary issues:

1. First, the Panel must examine how questions of majority have been addressed in previous voting processes at UIPM Congresses, particularly in relation to the election of Executive Board members. Two related assertions concerning estoppel arise in this context: (1) whether EMPF is estopped from challenging the application of the rules on grounds of good faith, given that it was aware of and accepted how the rules were applied prior to the voting; and (2) whether USAPM held a legitimate expectation that the rules would be applied in accordance with previous practice.
2. Second, the Panel must identify which UIPM rules shall govern the question of majority and determine the manner in which such rules should be applied, taking into consideration, where appropriate, the observations concerning prior practice. Based on the Parties' submissions, the assessment of the Panel centres upon Articles 14.2 and 36.4 of the UIPM Statutes and Articles 9 and 10 of the Election Rules. In determining which provisions are to be applied, the Panel must consider, in addition to the previous practice, "*higher-ranking-rule-principle*" (i.e. *lex superior derogat legi inferiori*) and the principle of *lex specialis derogat legi generali* raised by the Parties.

108. The Panel also notes that EMPF contends that UIPM's obstructive and bad faith conduct has delayed the resolution of this dispute. This matter will be addressed in connection with the cost determination.

### B. Relevant provisions

109. The Panel notes that the following general regulatory framework is relevant as to the merits of the case.

110. The relevant provisions of the UIPM Statutes read as follows:

*"14.2 The President and the members of the Executive Board are elected for a 4-year term by secret ballot by an absolute majority of the voting Members in the General Assembly."*

(...)

*"24.1 The resolutions of the General Assembly shall be made by a majority of the votes of the Members present. A majority of 2/3 of the votes of the Members present and eligible to vote shall be required to adopt a motion concerning amendment of the Statutes and the Competition Rules."*

(...)

*“36.4 In the event of conflict between the Statutes, the UIPM Rules on Internal Organisation, other rules and regulations, and/ or decisions of UIPM, the English language provisions of the Statutes shall prevail.”*

111. The relevant provisions of the UIPM Rules on Internal Organisation read as follows:

*“1.1 These Rules are established by UIPM General Assembly pursuant to the authority conferred to it by UIPM Statutes (the “Statutes”). In case of conflict or discrepancy between these Rules and the Statutes [sic], the English language version of the Statutes [sic] shall prevail.”*

*(...)*

*“4.3 The Executive Board comprises: a) The President; b) 5 UIPM Vice Presidents; c) The Presidents of the Continental Confederations; d) The Treasurer; e) The Member for Sport; f) The Member for Marketing; g) The Member for Media; h) The Member for Development; i) The Chairperson of the Athletes’ Committee; j) The Chairperson of the Medical Committee; k) The Chairperson of the Coaches’ Committee; and l) The non-voting Secretary General.”*

112. The relevant provisions of the Election Rules read as follows:

*“9.1 In the event of a single candidate standing for a particular post, such candidate shall in any case obtain an absolute majority of votes cast to be elected. If the candidate does not obtain an absolute majority of votes cast, another candidate must be found.*

*9.2 In the event of multiple candidates standing for a particular post, the candidate or candidates achieving an absolute majority of votes cast in the first ballot is elected.*

*9.3 If no candidate obtains an absolute majority of the votes cast in the first ballot, another ballot must be held. If a second ballot has to be made for one or more functions in a body and there are still more than two candidates, the candidate with the least votes shall be eliminated.*

*9.4 The remaining candidates go forward to the next ballot. This procedure will be continued until a candidate has gained a simple majority of votes cast.*

*9.5 If there are only as many candidates as persons required for a body, the body concerned may be elected in one poll. The candidates shall in any case obtain an absolute majority of votes cast to be elected. If this is not the case separate elections must be held for each vacant position.*

*9.6 If there are more candidates than positions, the candidates elected are those who received an absolute majority of votes cast.”*

*(...)*

*“10.1 “Simple majority” requires the successful candidate to receive more votes than the votes cast for any other candidate.*

*10.2 “Absolute majority” requires the successful candidate to receive at least one more than half of the total number of votes cast. In assessing the total number of votes cast in relation to a requirement for an absolute majority, odd numbers are to be rounded up.*

*10.3 The following shall not be counted as valid votes: abstentions, blank votes, votes for more or fewer candidates than the number required, votes declared void by the scrutineers whose decision will be final (e.g. unintelligible votes).”*

### C. Practices concerning majority questions at UIPM Congresses 2016–2024

113. At the UIPM Congress held in 2012 in Buenos Aires, the General Assembly adopted an amendment to the UIPM Statutes providing that “*The members of the Executive Board are elected by secret ballot by an absolute majority of the General assembly for a period of four (4) years.*” (R-01, page 10). However, this provision was not yet applied to the 2012 elections, as the motion concerning the amendment was passed after the elections had already been conducted (R-01). The provision is now contained in Article 14.2 of the UIPM Statutes and was amended as recently as 2022 to explicitly mention the President (who, however, is also a member of Executive Board).

114. The Panel notes that the previous versions of the Election Rules have been discussed in Parties’ submissions, but these versions have not been submitted as evidence in the present proceedings. The Panel therefore relies on the expert testimonies of Prof Dr Geistlinger and Ms Lucantonio regarding the evolution of the current Articles 9 and 10 of the Election Rules.

115. The Panel finds that the 2015 amendments, drafted under Ms Lucantonio’s responsibility, correspond more closely to the currently applicable Articles 9 and 10 than the provisions of 2010 version, drafted under Prof Dr Geistlinger’s responsibility. Whilst the experts and Parties disagree on the significance of the 2015 amendments, it is undisputed that the wording and structure of these provisions changed at that time and have remained identical since then (except for renumbering). Therefore, in the Panel’s view, the period 2016–2024 is more relevant for examining majority questions in UIPM praxis. The UIPM rules applicable to the present dispute were in force in all material respects throughout this period.

116. The Panel makes the following observations from the meeting minutes of 2016, 2021, 2022, and 2024 Congresses and related witness testimonies that have been adduced as evidence in this regard.

117. UIPM’s previous President, Dr Schormann, held said position from 1993 until the disputed elections of 2024. From the evidence adduced, the Panel can identify only one presidential election during the relevant period, dated 27 November 2021 (R-04, see also R-03). Based on the minutes from 27 November 2021, Dr Schormann was the only candidate for the position of UIPM President and received 85,71% of valid votes cast already in the first round of voting. Therefore, the Panel finds that no clear precedent concerning the application of the voting rules governing elections of the UIPM President has been established through practice during the relevant period. Only one unequivocal first-round voting result pertaining to a single candidate, together with the challenged voting result from 2024, are available for the Panel’s consideration. In the Panel’s view, these are insufficient to constitute an established practice.

118. However, many elections for the positions of UIPM Vice-President and other Executive Board members have been held in the relevant period. In the Panel’s assessment, these may provide support for determining how the rules should be applied in the presidential elections.

119. Based on the minutes of the 2016 Congress (R-03) there were ten candidates for five UIPM Vice-President positions. The meeting minutes contain the following notes regarding the election process:

- Before the first ballot of the vice-presidential election:
  - “*UIPM Secretary General explained that any successful candidate must pass a majority in the first and second rounds to be elected and that the candidate with the least votes would be eliminated and not go through to the next ballot.*”
- Before the third ballot where four candidates were remaining:
  - “*UIPM Secretary General explained that according to Articles 5.3 and 6.1 only a simple majority would be required in the third round, meaning the two candidates with the most votes would be elected.*”

120. The minutes of the 2016 Congress indicate that the maximum number of possible votes in the election of the UIPM Vice-President was 78 and the required “*majority*” was 40 (R-3, page 1). According to the Panel’s interpretation, the “*majority*” mentioned in the meeting notes in this context means “*absolute majority*” as “*simple majority*” is explicitly mentioned in the latter note.
121. The Panel finds that in 2016 there were 10 candidates in the vice-presidential election, three of whom achieved an absolute majority and were elected in the first round of voting. Eng El Erian was eliminated in the second round with 24 votes. In the third round, both successful candidates received 40 votes each. The Panel notes that the third-round result of both successful candidates satisfied the requirements for both a simple and an absolute majority. This is because the two candidates received more votes than any other candidate (thereby achieving a simple majority) and received 40 out of 78 possible votes (thereby achieving an absolute majority).
122. According to the minutes of the 2016 Congress, all the other elected Executive Board members received an absolute majority in the corresponding election (maximum number of possible valid votes being 78):
  - Treasurer, 69 votes, round 1 (single candidate)
  - Member for Sport, 75 votes, round 1 (single candidate)
  - Member for Media, 72 votes, round 1 (single candidate)
  - Member for Marketing, 65 votes, round 1 (three candidates)
  - Member for Development, 46 votes, round 2 (four candidates). The meeting note following the first ballot observes that ‘*No candidate secured an absolute majority to be elected in the first round*’.
123. Moving on to year 2021, the minutes of the 2021 Congress contain the following general notes regarding all the election processes (R-04, page 15):

“*Fulvia Lucantonio, UIPM Legal Counsel presents all regulations regarding the elections, explaining the procedures and majorities required in case of one or several voting rounds. (...)*”.
124. The minutes indicate that Dr Schormann was elected as UIPM President securing absolute majority in the first round. In addition, there were nine candidates for the five positions of UIPM Vice-President. Five candidates received an absolute majority of the valid votes cast already on the first ballot and were elected as UIPM Vice Presidents. All the other elected Executive Board members also received an absolute majority in the first round:
  - Treasurer, 74 of 83 valid votes cast (single candidate)
  - Member for Sport, 56 of 83 valid votes cast (two candidates)
  - Member for Marketing, 66 of 83 valid votes cast (two candidates)
  - Member for Media, 74 of 80 valid votes cast (single candidate)
  - Member for Development, 74 of 77 valid votes cast (single candidate)
125. Based on the foregoing, the Panel finds that the minutes and voting results of the 2016 and 2021 Congress do not offer significant interpretative support for questions of majority in UIPM presidential election.

126. As regards the 2022 Congress, the Panel notes that Exhibit R-5 does not indicate any elections concerning Executive Board members. However, the Panel observes that in 2022, upon the motion of the Danish Modern Pentathlon Association, a vote of confidence in the UIPM President was held requiring an absolute majority (50% + 1). The motion was not passed (Exhibit R-5, pp. 44-45).

127. The minutes of the 2024 Congress contain the following notes in the beginning of section “16. Elections” (Day 1, R-06 page 30):

*“SF (...) explained that the Congress would now proceed with the presidential elections.*

*FL took the floor and explained the procedures, with abstentions not counted towards valid votes counted. FL referred to the Powerpoint slides regarding the required majorities displayed on the screen visible to all delegates and candidates. FL clarified that in the first and second rounds of voting, a candidate to be elected needed an absolute majority, meaning 50% plus 1, and from the third round onwards, a simple majority of votes would be enough to be elected. FL explained that a simple majority means more votes than any other candidate.”*

128. The minutes contain the following note before the second round of voting in the election of UIPM President:

*“SF explained that a second round was required to be conducted without the candidate who had received the least votes in the first round. SF further explained that in the second round, still a 50% plus 1 majority was needed.*

*(...)*

*Round 2 [50% +1 majority]”*

129. The minutes contain the following note after the second round of voting:

*“SF clarified that no candidate had received the required absolute majority in the second round and that a third round of voting had to be conducted.*

*Round 3 (simple majority)”*

130. The evidence shows that during the second round of voting, a red box in the upper right corner of the slide on the screen displayed ‘Majority: 50% + 1’. In the third round, the same box displayed ‘Simple majority’ (KS-04 – KS-05).

131. Further, the minutes contain the following notes in the beginning of section “16. Elections (cont’d)” (Day 2, R-06 page 36):

*“FL reiterated the Election Procedures. She explained that the rule of absolute majority (50% + 1) would apply in rounds 1 and 2, and thereafter a simple majority (the candidate with more votes than the other is elected) would apply if any further rounds were needed. She also reminded the delegates that abstentions would not count in elections.”*

132. Based on the meeting minutes, there were twelve candidates for the five UIPM Vice-President positions. Five candidates received an absolute majority on the first round of voting and were elected. The number of valid votes cast is not indicated in the minutes, but it reads that “104 possible votes; 101 members present” and indicates that the elected individuals received 56 to 74 votes, qualifying as absolute majority.

133. Further, based on the meeting minutes, all the other elected Executive Board members received an absolute majority as well:

– Treasurer, 92 votes, 99 members present, round 1 (single candidate)

- Member for Sport, 55 votes, 101 members present, round 2 (three candidates). No candidate received an absolute majority in the first round.
- Member for Marketing, 58 votes, 100 members present, round 2 (three candidates). No candidate received an absolute majority in the first round.
- Member for Media, 55 votes, 101 members present, round 1 (three candidates).
- Member for Development, 52 votes, 100 members present, round 2 (three candidates). No candidate received an absolute majority in the first round.

134. The Panel observes that based on the election practice evidenced in the Congress meeting minutes of the 2016, 2021, and 2024, the guidance provided in the elections of Executive Board members has been that an absolute majority has been consistently required in the first and second rounds of voting, and that a simple majority was deemed sufficient from the third round onwards. This two-stage system was expressly articulated by the UIPM Secretary General at the 2016 Congress in relation to the vice-president elections and was reiterated by the UIPM Legal Counsel at the 2024 Congress. In the disputed presidential election, the instruction also was that an absolute majority was required in the first and second rounds of voting, and simple majority in third round.

135. The Panel notes, however, that all elected members of the Executive Board across the 2016, 2021, and 2024 Congresses eventually received an absolute majority of votes cast. No candidate was elected to the Executive Board without having at least *“one more than half of the total number of votes cast”*. Even where simple majority rules were instructed to apply from round 3 onwards, the actual results produced absolute majorities, leaving no clear precedent for the election of any Executive Board member with less than 50% + 1 of votes cast.

136. In summary, there is no evidence on the record that (1) delegates were instructed that a simple majority would be sufficient in the second round of voting in the election of any UIPM Executive Board member, (2) nor can it be inferred from the voting results that a simple majority sufficed in any such election.

137. The Panel has taken note of the instructions given by the UIPM officials during the *third* round of voting in the 2016 vice-presidential election and the disputed 2024 presidential election. Given that the isolated voting instructions do not form part of the binding regulatory framework, the Panel does not deem it justified to give significant weight on them.

138. The Panel concludes that EMPF has not established that UIPM has consistently – or on any occasion – followed a practice whereby a candidate obtaining less than an absolute majority was elected to a position for which an absolute majority is required. Rather, the record shows that no Executive Board member was elected by a simple majority during the relevant period, especially not in a second round of voting, where the instructions have consistently mandated an absolute majority.

139. As regards the estoppel arguments – namely that all Parties were aware of how the voting rules were applied and were entitled to rely upon this practice – the Panel finds, on the basis of the foregoing, that while the practice has been consistent during the relevant period, it remains unsettled in light of certain isolated instructions on whether an absolute majority has been, or should have been, required in every round of voting for Executive Board members. As explained above, candidates elected to the Executive Board have invariably secured an absolute majority, but whether the UIPM Members, candidates themselves or UIPM officials have considered this necessary in all rounds remains uncertain. It is noteworthy that both legal experts examined, Prof Dr Geistlinger and Ms Lucantonio, as well as individuals who have long served in positions of trust within UIPM have differing interpretations on this matter.

140. The majority of the Panel finds that where the past events have been ambiguous – with consistent results but inconsistent guidance – and where some of the rules are open to interpretation, there is no clear baseline from which EMPF is attempting to deviate. Therefore, in the majority of the Panel's view, no such legitimate expectation has been established that would estop EMPF from challenging the interpretation of the UIPM rules and preclude EMPF from having the uncertainty regarding the rules examined in all respects. Therefore, the matter must next be assessed on the basis of the wordings of the rules and the other grounds advanced by the Parties.

**D. Applicable rules concerning the majority requirements of the UIPM presidential election**

*a. Parties' positions*

141. EMPF's view is that in accordance with the principle of *lex specialis derogat legi generali* (the specific provision prevails over the general), there exists no normative conflict between Article 14.2 of the UIPM Statutes and Article 9 of the Election Rules. Article 14.2 of the UIPM Statutes sets out a general requirement for elections by absolute majority, whereas Article 9 constitutes the *lex specialis* governing the procedure for elections, including how the absolute majority shall be applied and when a transition from absolute to a simple majority occurs. EMPF further submits, based on Article 9.4 of the Election Rules, that the necessity of absolute or simple majority in the second ballot depends on the number of candidates. According to EMPF, if there are still more than two candidates, either a candidate achieves an absolute majority or the candidate with the least votes shall be eliminated. Once there are two candidates, simple majority is sufficient.

142. UIPM and USAPM submit that the application of EMPF's interpretation as alleged *lex specialis* would undermine the hierarchy of the UIPM rules as laid down expressly in Article 36.4 of the UIPM Statutes. According to UIPM (and USAPM, which refers to UIPM's submissions), said provision is aligned with the higher ranking rule principle, which merely allows a lower-level provision (*in casu* Election Rules) to concretise a higher-ranking provision (*in casu* UIPM Statutes) but does not allow the lower-ranking rule to contradict it.

143. Invoking Article 14.2 of the UIPM Statutes, which they claim prevails via Article 36.4 of the UIPM Statutes over Article 9 of the UIPM Election Rules, UIPM and USAPM argue that the election of the UIPM President requires absolute majority of the votes cast. They submit that acknowledging the election of the UIPM President by simple majority would constitute an unprecedented deviation from UIPM practice. In accordance with the UIPM Statutes, UIPM correctly proceeded with the voting procedure after the second round of voting and Mr Stull being the only candidate having received the absolute majority of the votes cast was correctly confirmed as UIPM President.

*b. Analysis*

144. With regard to the jurisprudence and the rules of other sports federations invoked by EMPF, the Panel notes that while the examples of the provisions of international sport federations may provide important benchmark and guidance in case of ambiguous stipulations, they are not directly applicable in the present proceedings. The present dispute must be decided on the basis of the rules specified in Section VII of this award applied to the specific circumstances of the case, rather than by reference to the regulatory frameworks of other international sport federations. UIPM has its own statutory and regulatory documents and is required to follow them.

145. Returning to the present matter, in the Panel's view, Article 36.4 of the UIPM Statutes governing potential conflicts between different UIPM rules is unambiguous. It establishes a clear hierarchy of norms within the UIPM regulatory framework, with the Statutes occupying the highest rank. This reflects and reinforces general statutory construction that an organisation's statutes have primacy, and rules and policies cannot exceed its authority. Accordingly, in the event of a conflict between the UIPM Statutes and other UIPM rules, regulations, or decisions, the UIPM Statutes shall prevail.

- 146. The majority of the Panel observes that the Election Rules are, in fact, by their nature and structure, general provisions governing all elections within UIPM. They do not contain specific provisions concerning the election mechanism of the UIPM President. Article 9 of the Election Rules is formulated in general terms and does not differentiate between the various positions subject to election. In the majority of the Panel's interpretation, Article 9 is not a *lex specialis* type provision, particularly with respect to the election of the UIPM President.
- 147. By contrast, Article 14.2 of the UIPM Statutes contains an express and specific reference to “[t]he President and the members of the Executive Board”. This provision is not couched in general terms but expressly concerns the election of these specific positions. In the majority of the Panel's view, Article 14.2 of the UIPM Statutes therefore constitutes a *lex specialis* provision in relation to the general electoral framework set out in the Election Rules. It represents a specific rule tailored to the election of the President and Executive Board members, whereas the Election Rules establish the general regime applicable to elections more broadly, including the elections of members of several committees of UIPM.
- 148. The majority of the Panel concludes that irrespective of whether the interpretative approach is grounded in the hierarchy of norms principle (*lex superior*) emphasised by UIPM and USAPM or in the *lex specialis* principle advanced by EMPF, the outcome is nevertheless the same: Article 14.2 of the UIPM Statutes prevails as both the highest-ranking norm and the most specific provision governing the majority requirements for the election of the UIPM President. It is therefore this provision that must govern the resolution of the present dispute. It follows that, in the majority of the Panel's view, the Panel does not need to examine the content of Article 9 of the Election Rules in more detail.
- 149. The expert reports and statements by Prof Dr Geistlinger and Ms Lucantonio concerning the drafting process of the Election Rules, or the content of the Election Rules, do not alter the majority of the Panel's conclusion. In particular, Prof Dr Geistlinger did not address the requirements of UIPM Statutes for the election of UIPM President. He acknowledged during his testimony that he was not involved in the amendments to the Election Rules in 2015 and 2018. Nor does the reaction of delegates and other people in Congress to the outcome of each round of voting carry any weight in the assessment of the issue.

#### **E. Was an absolute majority required in the second round of voting?**

- 150. As noted above, in the majority of the Panel's view, the question of the required majority in the second round of voting in the UIPM presidential election must be resolved by application of Article 14.2 of the UIPM Statutes. The Panel recalls the full text of the provision, which reads as follows:

*“The President and the members of the Executive Board are elected for a 4-year term by secret ballot by an absolute majority of the voting Members in the General Assembly.”*

- 151. In the majority of the Panel's view, Unlike Article 9 of the Election Rules, Article 14.2 of the UIPM Statutes does not differentiate between successive rounds of voting or between situations with different number of candidates. Given that multiple rounds are not expressly referenced in the provision, it must be interpreted uniformly such that, regardless of the number of voting rounds conducted, the valid election of the UIPM President requires “*an absolute majority*”. This means that an absolute majority is required in the first round, in the second round, and in all subsequent rounds. Article 14.2 of the UIPM Statutes neither contains any limitations or specifications based on the number of candidates. Therefore, it applies also when there are only two candidates.
- 152. In the majority of the Panel's view, this is logical from the point of view that in general, absolute majority is used specifically to allow a prevailing party to begin their elected responsibilities with a mandate and not just a plurality. However, it is debatable whether this object would not be reached by a simple majority in elections with only two candidates remaining.

153. The majority of the Panel notes that the foregoing, when applied to the present case, means that the election of the UIPM President at the Congress required an absolute majority in each voting round, including the second ballot.
154. Since “absolute majority” is not defined in the UIPM Statutes, the Panel turns in this regard to Article 10.2 of the Election Rules, which provides for a qualified majority as follows:

*“Absolute majority’ requires the successful candidate to receive at least one more than half of the total number of votes cast. In assessing the total number of votes cast in relation to a requirement for an absolute majority, odd numbers are to be rounded up.”*

155. The Panel notes that Article 10.3 of the Election Rules further provides as follows: *“The following shall not be counted as valid votes: abstentions, blank votes, votes for more or fewer candidates than the number required, votes declared void by the scrutineers whose decision will be final (e.g. unintelligible votes).”*
156. The Parties have not disputed the interpretation of these two provisions. The Panel finds that when read together, Articles 10.2 and 10.3 of the Election Rules establish that the calculation of “absolute majority” must be based on the total number of valid votes cast, excluding abstentions and other invalid votes.
157. Having established the applicable legal framework and the proper interpretation of the absolute majority requirement under the UIPM Statutes and Election Rules, the Panel now applies these rules to the facts of the present case, specifically to the second and third ballots of voting held on 16 November 2024.
158. It is undisputed that whilst Eng El Erian obtained a simple majority (more votes than his opponent) on the second round of voting, he did not secure an absolute majority as required by Article 14.2 of the UIPM Statutes. Consequently, the majority of the Panel finds that the decision to proceed to a third ballot was legally correct and in accordance with the UIPM Statutes and Election Rules.
159. It is also undisputed that on the third round of voting, Mr Stull received 53 votes, which exceeds the required absolute majority of 52 votes. It follows that, in the majority of the Panel’s view, Mr Stull was lawfully elected as UIPM President in the third ballot, having obtained the requisite absolute majority in accordance with Article 14.2 of the UIPM Statutes and Articles 10.2 and 10.3 of the Election Rules.

## **F. Conclusion**

160. EMPF has requested essentially that the Panel declare the decision of the UIPM Electoral Committee, dated 1 December 2024, to be groundless and revoked, and to declare Eng El Erian as the rightfully elected President of the UIPM as of 16 November 2024. For the reasons set out above, the majority of the Panel finds that EMPF’s claims shall be dismissed.

## **X. COSTS**

161. According to Article 8.13 of the UIPM Code of Ethics, the UIPM Court of Arbitration may rule on *“the costs of the proceedings”*. Said stipulation does not specify what the costs of the proceedings include. Therefore, the Panel finds it justified to seek guidance from the UIPM Court of Arbitration’s previous practice and the CAS Code.
162. The Panel has taken note that in a UIPM Court of Arbitration award issued on 1 February 2022, the Sole Arbitrator considered the costs of the proceedings but also made a ruling on parties’ legal costs. Moreover, pursuant to Section F of the CAS Code, costs of the arbitration proceedings cover, *inter alia*, the costs and fees of the arbitrators as well as grants a possibility to rule on a contribution

towards parties' legal fees and other expenses incurred in connection with the proceedings. Based on these sources, the Panel finds that it may rule also on the parties' cost claims.

163. Returning to the present matter, Article 10.1 of the UIPM Rules on Internal Organisation stipulates that members of the UIPM Court of Arbitration shall be indemnified against expenses. However, the members of the UIPM Court of Arbitration have not incurred expenses for which they seek indemnification.
164. EMPF and UIPM have claimed compensation for their legal costs. According to the CAS Code (Article R64.5), the relevant criteria for both the allocation of costs and the reimbursement of legal fees and expenses are the complexity and outcome of the proceedings, as well as the conduct and the financial resources of the parties.
165. Regarding the outcome of the proceedings, the Panel notes that while EMPF prevailed on the various preliminary issues regarding admissibility, EMPF's requests regarding the merits were dismissed. Therefore, in the relation between EMPF and UIPM, the latter shall be considered the prevailing party. Having said this, the Panel finds that ambiguities in the Election Rules and in the communications by UIPM significantly contributed to the emergence of the present dispute. By way of examples, first, in the Congress UIPM presented an interpretation that from the third round onwards, a simple majority would suffice for a candidate to be elected UIPM President, which view does not correspond with the UIPM Statutes. Second, in its submission to the UIPM Electoral Committee, UIPM did not invoke Article 14.2 of the UIPM Statutes but focused on the Election Rules. Third, the witnesses and legal experts offered divergent opinions regarding the interpretation of the applicable rules.
166. Regarding the conduct and financial resources of the Parties, the Panel has not identified a reason to find that any of the Parties would be in a position that merits a contribution towards its legal costs.
167. In light of the foregoing, the Panel determines that the costs of the proceedings (if any) shall be borne in equal shares by EMPF, UIPM and USAPM. In addition, each Party shall bear its own legal fees and expenses incurred in connection with these proceedings.

## **XI. APPEAL**

168. According to Article 8.14 of the UIPM Code of Ethics, appeal against decisions of the UIPM Court of Arbitration may be filed with the Court of Arbitration for Sport, Lausanne.

**ON THESE GROUNDS**

**The UIPM Court of Arbitration rules that:**

1. Egyptian Modern Pentathlon Federation's requests are dismissed.
2. Egyptian Modern Pentathlon Federation, Union Internationale de Pentathlon Moderne, and USA Pentathlon Multisport shall bear the costs of the proceedings (if any) in equal shares.
3. Each Party shall bear its own legal fees and expenses incurred in connection with these proceedings.
4. All other motions or prayers for relief are dismissed.

Seat of arbitration: Monaco

Date: 22 December 2025

**The UIPM Court of Arbitration**



Mr Markus Manninen  
President of the Panel

Dr Mohamed Ahmed Ali Fadlalla  
Arbitrator



Mr Blair Driggs  
Arbitrator