



foul play!

The crisis of football management in Kenya



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LIST OF ABBREVIATIONS AND ACRONYMS

AFC	Abaluhya Football Club
AfriCOG	Africa Centre for Open Governance
AGM	Annual General Meeting
AIDS	Acquired Immune Deficiency Syndrome
CAF	Confederation of African Football
CAS	Court for Arbitration in Sports
FA	Football Association
FAP	Financial Assistance Programme
FC	Football Club
FIFA	Federation Internationale de Football Association
FKL	Football Kenya Limited
GEMA	Gikuyu Embu Meru Association
GTZ	German Technical Cooperation
HIV	Human Immune-deficiency Virus
ICCG	Inter-Clubs Consultative Group
IDPs	Internally Displaced Persons
IFAB	International Football Arbitration Board
ISL	International Sports & Leisure
KANU	Kenya African National Union
KEFOCA	Kenya Football Coaches Association
KEFORA	Kenya Football Referees Association
KENFA	Kenya Football Association
KFF	Kenya Football Federation
KFFPL	KFF Premiership League Ltd
KLTA	Kenya Lawn Tennis Association
KNC	KFF Normalisation Committee
KNSC	Kenya National Sports Council
KPA	Kenya Ports Authority
KPFG	Kenya Premiership Football Group
KPL	Kenya Premier League
KRFU	Kenya Rugby Football Union
MYSA	Mathare Youth Sports Association
NARC	National Alliance Rainbow Coalition
NIC	Normalisation Interim Committee
NOC – K	National Olympic Committee of Kenya
ODM	Orange Democratic Movement
PNU	Party of National Unity
SGM	Special General Meeting
STC	Stakeholders' Transition Committee
UEFA	Union of European Football Association
UN	United Nations
UNHCR	United High Commission for Refugees

FOREWORD

Sports is widely recognised as a sector with immense economic value. Over and above the economic potential are the socio-political benefits of sports for reconciliation and as a carrier for positive messages on issues such as corruption and HIV/Aids for the youth and society as a whole.

While Kenya is well known as a sporting nation, this success is not reflected in the football sector, which has been particularly prone to squabbling and corruption.

Corruption in sports is not new. There are concerns the world over about the lack of transparency and accountability in sports and the resultant social and economic impact. The risk of corruption has increased dramatically as commercial influences grow¹.

The vast sums of money the industry attracts and the high and public profile of key participants in sports makes it particularly prone to financial misappropriation and other governance issues.

Mega sporting events such as the World Cup 2010 bring to light endemic corruption in the global management structures of football. A 2010 publication by the Institute for Security Studies accuses FIFA² leaders of “creating an organisation that goes out of its way to avoid financial scrutiny” and goes on to illustrate how FIFA actively resists transparency, making football a fertile ground for corruption. The level of estimated profits that FIFA can expect from the first World Cup on African soil have been estimated at between US\$ 3.2 and 4 billion, this does not include the expected revenues from television, marketing, hospitality and licensing which go to FIFA and its local organising committee³.

In the last decade, Kenya’s football administration has drawn significant negative global interest as a result of poor governance and corruption. Public wrangles for power, widespread mismanagement, ethnic antagonism and political intrigue have typified football in Kenya, leaving many industry players and the public disillusioned.

More importantly, corruption and negligence in the management of football robs Kenya’s youth of valuable and sorely needed opportunities and hampers socio-economic growth. The mediation agreement that brought an end to Kenya’s post-election violence identified lack

¹Schaefer, L. (2006). Blowing the Whistle on Corruption in Sport. Deutsche Welle. Online article on <http://www.dw-world.de>

²Fédération Internationale de Football Association (International Federation of Football Associations)

³Herzenberg, C. (2010). Player and Referee: conflicting interests and the 2010 FIFA World Cup. Pretoria: the Institute for Security Studies

of opportunities for youth, who constitute some 60 percent of our population, as a particular trigger of the crisis. Government responses to the youth dilemma, such as the Kazi Kwa Vijana initiative, have proved inadequate. Ensuring good governance in the management of football would be a critical element in addressing the youth issues highlighted in Agenda 4 of the agreement.

“Foul Play!” is a study of governance in football in Kenya. With this report, AfriCOG explores football management in Kenya over the last 30 years with the objective of analysing past management challenges and reform efforts and learning lessons from the outcomes of those initiatives.

“Foul Play!” documents the decades-long struggle to reform football in Kenya and analyses the challenges of introducing transparency and accountability in football administration in Kenya while working in a complex, often unpredictable global framework.

We dedicate this report to the future of Kenya’s youth.


Gladwell Otieno
Executive Director
AfriCOG



CHAPTER 1: INTRODUCTION

Abbreviations and Acronyms

AfriCOG	Africa Centre for Open Governance
FIFA	Federation Internationale de Football Association
KFF	Kenya Football Federation
KPL	Kenya Premier League
NIC	Normalisation Interim Committee
STC	Stakeholders' Transition Committee



“My Government also plans to take sports more seriously. Not only is it an important pastime but Kenyans are good at it. Success in sports changes the lives of many Kenyans every year. It gives us something to be proud of as a nation. It promotes healthy lifestyles. My Government plans to deal with corruption and mismanagement in this sector. These trends negatively affect our athletes. They have undermined the standards of key sports like soccer.”

President Mwai Kibaki, 2003

Kenya is well known as a sporting nation across the world, especially due to its achievements in athletics. However, as is the case with many developing countries, football is the foremost participation and spectator sport. Rich and poor alike can play the game as it requires little equipment and can be played anywhere.

Sadly, football in Kenya has suffered through the years from corruption, mismanagement and political intrigue, resulting in the country's failure to make any significant impact in regional, continental or global competitions.

The objective of this report is to explore the genesis and character of governance challenges in football in Kenya and to suggest ways to resolve these challenges for the benefit of our youth who constitute over 60 percent of Kenya's population.

Kenya's youth, though often educated, are unemployed and disillusioned. Indeed, it is widely held that Kenya's 2007 post-election violence, in which many of the youth took part, was a manifestation of their frustration at the lack of opportunities for them in the country as well as the bad governance and endemic corruption they see all around them.

Youth unemployment is the most immediate threat to political and social stability. Disillusioned young people are one of the most disruptive forces in society, and unemployment is arguably one of the principal sources of alienation. Figures vary, but statistics indicate that over two million youths in the country are out of work. Another 750,000 join them every year from educational institutions, of

whom barely 125,000 are absorbed annually into formal employment. The informal sector absorbs the most of them, or about 8 million⁴.

Given the lack of attention to sports development, Kenyan youth acquire sporting skills in their local neighbourhoods rather than in formal institutions. Consequently, sport is a part of the local culture, linking young and old and creating opportunities for young people to realise a potential that is non-academic. Despite these potential benefits, and despite it being Kenya's most popular sport, both to watch and to play, football is one of Kenya's most mismanaged sports. This has partly been responsible for diverting local spectator interest to televised foreign football.

Governments today understand that sports is not only big business, but a source of youth employment and enjoyment, often keeping them away from negative influences and activities. Further, employment in sports can bring high rewards for the very best, and a living for the many people involved in sports management, and in the industries with forward and backward linkages to sport. However, sports administration in Kenya suffers from multiple problems including weak financial management and leadership, poor governance, and a failure to invest in youth programmes. Currently, there seems to be no coherent policy governing sports; the Youth Ministry's website refers to an outdated 2002 sports policy document and a 2008/2009 government assessment of performance across its 40-odd ministries listed the Sports and Youth Affairs ministry as the fifth worst⁵. Although there is a National Youth Policy, sports development is

⁴ "High unemployment rate could evolve into revolution, experts warn" Daily Nation, May 1 2009.

⁵ "Questions as AG's team tops the class: Best performers to be rewarded and laggards punished, say Kibaki and Raila" Daily Nation, April 27 2010

not a priority. As a result, interventions to address problems in the sports sector have historically been ad hoc, lacking focus and therefore ineffective.

A popular version of Kenya's long-term development strategy, Kenya Vision 2030, declares that the country "aims to capitalise on her international reputation as an 'athletic superpower' by opening up the country for top global sports events, encouraged by corporate sponsorship (p.21)". One of its flagship projects, to be delivered by 2012, is to "establish a sports lottery fund and an international academy of sports". The idea is to exploit the potential of sports for employment creation and social cohesion.

Foul Play! is the product of a review of football administration in Kenya over the last 30 years, commissioned by AfriCOG with the objective of analysing past management challenges and reform efforts and learning lessons from the outcomes of those initiatives.

This report attempts to analyse Kenya's football management framework in the overall context of sports management in Kenya while expounding on the events that have brought it to near collapse.

The following section of this report reviews the background, policy and global context of football in Kenya. The report goes further to discuss the rise and fall of Kenyan football describing the chain of events that have led to the current football management crisis. The end of Chapter 4 provides a timeline of events in Kenyan football from 2000 to 2010, while Chapter 5 outlines the key challenges in football administration - chief of which is poor leadership.

Foul Play! also discusses transformational football management, which uses the game to create programmes that generate spin-offs, while promoting national cohesion and development, and the importance of women and youth football for a robust, all-inclusive sector. The report concludes by making a few recommendations for a better-governed football sector in Kenya.

Some constraints encountered during production of this report relate to the difficulty of obtaining documentary sources: there is no central depository of documentation. This study tried to access KFF files at the Registrar of Societies, but the pending 100-odd football cases before the courts meant the files were with the Attorney General.

This report therefore relies extensively on secondary sources such as the Stakeholders' Transition Committee (STC) whose methodology was found to be the most comprehensive. Indeed, the Normalisation Interim Committee (NIC) eventually took on board several recommendations from the STC report, such as the establishment of the Kenya Premiership Limited (KPL).

The just-ended World Cup 2010, which once again saw African teams falling out at an early stage, underlines the need for thorough reform of the governance of African football.


As an indicator of the rewards that beckon for better-governed sport, the Kenya Premier League (KPL) signed an improved television rights deal with the satellite broadcaster SuperSport immediately after the World Cup⁶.

⁶<http://www.guardian.co.uk>, July 12 2010

CHAPTER 2: FOOTBALL IN KENYA: THE BACKGROUND, POLICY AND GLOBAL CONTEXT

Abbreviations and Acronyms

FIFA	Federation Internationale de Football Association
FKL	Football Kenya Limited
IFAB	International Football Arbitration Board
KNSC	Kenya National Sports Council
NOC-K	National Olympic Commission of Kenya



To maintain fair practices and orderliness in procedures and to provide protection from malpractices against established sporting norms, a comprehensive legal framework is necessary for the smooth running of sports. It will also provide for registration, dispute resolution and a code of conduct.

The Kenya National Sports Policy, 2002



Football was introduced to Kenya by the British, who administered the country as a colony from 1925 to 1963. While football is the country's greatest player and spectator sport, Kenya is more famous for its middle and long-distance runners. Lesser-known sports, in which Kenya has experienced significant success at one time or another, include motor car rallying, seven-a-side rugby, amateur boxing, hockey, cricket and women's volley-ball. The discussion of effective football management must be placed in the wider context of Kenyan sports management as well as that of the global management of football.

Who runs the game?

Before addressing football governance in Kenya, it is useful to examine the situation at FIFA, as the umbrella body and standard setter for national football associations. The global framework for football management is provided by the FIFA Statutes and the FIFA website lists numerous other laws governing the game. The original intention was that national football management frameworks be ideally fashioned after the FIFA rules; this has now become a mandatory requirement, according to the FKL secretariat.

FIFA is managed through a Congress which brings together delegates from the 208 member countries⁷. Besides providing for the Congress, Article 21 of FIFA Statutes also provides for an Executive Committee, the general secretariat and standing and ad hoc committees. Article 31 provides that the Executive Committee be headed by the President elected for a four-year term. The article also provides that the committee meet at least twice a year, appoint a Secretary General

proposed by the President and appoint delegates to the International Football Arbitration Board [IFAB]. Article 32 designates the President as the legal embodiment of FIFA, mandates the office holder to implement the decisions of the Congress and Executive Committee through the general secretariat, and be responsible for relations between FIFA and the affiliated continental confederations and national associations, political bodies and other international agencies. The Secretary General runs the general secretariat assisted by a staff complement of 280 who serve the 22 Standing

FIFA's objectives

The Federation Internationale de Football Association (FIFA) was founded in Paris in May 1904 with the initial seven founding members affiliating another 14 national associations by 1912. Over the decades, football's popularity continued to attract new devotees and at the end of the 2007 FIFA Congress, FIFA had 208 members spread across the globe.

FIFA is responsible for worldwide football regulations summarised in FIFA Statutes, updated as necessary after every annual congress⁸. Article 2 of FIFA's Statutes specify FIFA's objectives to include improvement of the game, its control through appropriate measures, and prevention of all methods and practices that might jeopardise integrity, leading to the abuse of Association Football.

FIFA President Joseph "Sepp" Blatter writes: "only with the unwavering dedication of every FIFA team member, every member association, and every business partner can football in all its forms contribute to achieving FIFA's goals at a high level by protecting standards, encouraging competition and promoting solidarity in the world game⁹."

⁷ Information on FIFA can be accessed at <http://www.FIFA.com>. FIFA's greater country membership compared to the UN is because the former recognises sub-nations, such as Britain's four 'Home Counties'.

⁸ FIFA Statutes can be found at <http://www.fifa.com>

⁹ See <http://www.fifa.com>

Committees provided for by Article 34. In theory, the FIFA governance structure checks the powers of the President through the Congress. However, the President exerts considerable influence over the Association's decisions given the concentration of powers described here.

Concern that FIFA's management framework seems to leave loopholes for abuse of power are shared by many. For instance, Andrew Jennings' report, "Foul! The Secret World of FIFA", is filled with illustrations of excesses at the Federation which, if true, would seem to negate its stated mission to "develop the game, touch the world, build a better future...foster unity within the football world, be a model of fair play, tolerance, sportsmanship and transparency." Jennings incisive investigation into FIFA mismanagement alleges that by December 1998, its President, Joseph "Sepp" Blatter tried to create an Executive Presidency by proposing that the responsibilities of the Secretary General be shared between incumbent Michel Zen-Ruffinen and Michel Platini who was to be 'Advisor to the President'¹⁰. While the Executive Committee initially blocked the change, this had largely been effected by March 1999 when Jerome Champagne also came on board as a 'personal advisor'¹¹. Zen-Ruffinen and Blatter parted company acrimoniously in 2002, after the former presented a report to FIFA's executive committee accusing his boss of mismanagement, financial improprieties, and manipulating the FIFA network "to the benefit of third parties and his personal interests¹²."

The local policy and administrative framework

Since before independence, sports in Kenya have been recognised in government structures and associations are formalised through registration

with the Registrar of Societies. The Kenya Football Association was registered comparatively early, in 1946, (hockey and athletics were registered in 1950 and 1951 respectively). Registration of the National Olympic Committee of Kenya followed in 1954. While in earlier decades, sport was part of the Social Services Department, it acquired full ministerial status in 2003.

Since then, the sports docket has moved between ministries, and is currently under the Ministry of Youth and Sports. Within the ministry is the Department of Sports, created by a 1986 presidential directive. A Secretary for Sports, who supervises the Commissioner of Sports, heads the department. According to the Kenya National Sports Policy dating back to 2002, the Department is charged with the responsibility of developing, promoting

Blatter threatens to suspend Brazil

"In 2000, the Brazilian Congress and Senate had demanded an investigation into the alleged mismanagement of the country's football federation by its top officials, including ex-FIFA president Havelange's son-in-law Teixeira and an uncle.

Blatter denounced this as interference in the management of football and ranted: "Brazil will be suspended from all international activities. Brazil will not take part in the 2002 World Cup, the World Youth Cup, the Under-17 World Cup, the Women's World Cup and the Futsal indoor tournament in Guatemala."

The 2001 investigation report concluded the Brazilian federation was "a den of crime, anarchy, incompetence and dishonesty."

One of the 'top officials' investigated would later sit on FIFA's 2003 Internal Audit Committee."

Source: Jennings (2006) p. 240

¹⁰See Jennings, A. (2006: 113-4), Foul! The Secret World of FIFA: bribes, vote rigging and ticket scandals. London: HarperCollins. FIFA's court action to stop the publication of this book failed.

¹¹Champagne's arrival is significant for the Kenyan story because he made many visits to Kenya that produced the reports, which led to FIFA's exclusive recognition of Hatimy's administration. (See timeline at the end of Chapter 4 that summarises the events in Kenya's football, 2000 – 2010)

¹²cf. Time, Sunday 19 May 2002, "Last Man Standing". For example, he reportedly alleged that Blatter consistently took or influenced decisions favourable to FIFA Vice President Jack Warner, who controls the bloc vote of the CONCACAF, the North and Central American and Caribbean football federation, such as the granting of television rights in the Caribbean for the World Cup from 1990/1994 and 1998 for a symbolic one dollar. Ruffinen was subsequently sacked by Blatter, Jennings, 2006, p 364.

and providing technical advice on all matters relating to sports and recreational activities.

Through the Kenya National Sports Council (KNSC), established in 1966, the Department oversees the welfare of sportsmen and women and the financial and other moveable and immovable assets of sports associations. Through its networks, the Department is required to address the HIV/AIDS pandemic, encourage professionalism for employment creation and poverty reduction, and inculcate patriotism and national pride.

The Kenya National Sports Policy, 2002

The National Sports Policy requires sports organisations to enhance investment and funding especially for grassroots programmes, based on comprehensive, integrated medium and long-term development plans with accompanying annual work plans. It distinguishes differing categories of sports: traditional from modern; mass from competitive and sports for the aged, disabled, youth and women. Besides central and local

government, it also recognises potential financing sources, such as individual and corporate sponsorship. It requires the financial affairs of the 50 organisations affiliated to the KNSC to be managed by professionals, subject to regular audits and KNSC scrutiny. Thus, prospective officials should have a demonstrated interest in the sport, and have no criminal record.

While emphasising adequate formal education for sportsmen and women, it also calls for the establishment of a National Sports Institute, which would set standards, carry out training and documentation and archive records.

The Kenya National Sports Policy recognises the destructive potential of disputes, requiring the development of an “ultimate, authoritative and neutral dispute resolution mechanism and/or dispute resolution fora...”

The Policy mandates KNSC to establish an arbitration panel based on the Arbitration Act (1995) for all sports organisations, and whose decisions shall be final. Thus, there should be no resort to judicial courts unless the matter at hand is criminal.

FIFA Governance Structure

The Congress is the supreme and legislative body of FIFA, which is made up of all the member associations, with each getting one vote. A Congress may be an Ordinary or an Extraordinary Congress. The Congress rules on modifications to the Statutes, addresses propositions from Executive Committee members and elects the FIFA President.

The Executive Committee consists of a President, elected by the Congress in the year following a FIFA World Cup, eight vice-presidents and 15 members, appointed by the confederations and associations. It meets at least twice a year, with the mandate for each member lasting four years, and its role includes determining the dates, locations and format of tournaments, appointing FIFA delegates to the IFAB (the body that determines the Laws of the Game of association football) and electing and dismissing the General Secretary on the proposal of the FIFA President.

FIFA's General Secretary is assisted in his or her work by more than 25 standing committees and by two judicial bodies, the FIFA Disciplinary Committee and the FIFA Appeal Committee. The committees serve a crucial function, as they take decisions concerning the organisation of competitions and the development of football in general. The decisions made by the committees are ratified by the Executive Committee.

Source: <http://www.fifa.com>

CHAPTER 3: THE RISE AND FALL OF KENYAN FOOTBALL

Abbreviations and Acronyms

AFC	Abaluhya Football Club
FC	Football Club
FIFA	Federation Internationale de Football Association
GEMA	Gikuyu Embu Meru Association
KANU	Kenya African National Union
KFF	Kenya Football Federation

Among the many KFF failures, the saddest is the failure to invest in youth and women's football. The funds largely disappeared from the KFF youth and women's football levies at every KFF match as well as the funds sent by FIFA. The KFF officials stole the future of our youth.

Stakeholders' Transition Committee Final Report, June 2004



The birth of the KFF

The Kenya Football Federation (KFF) replaced the Kenya Football Association in 1960, the year Kenya became affiliated to FIFA. The KFF was constituted in 1963 when ten clubs joined from Nairobi, Nakuru and Mombasa. It should be noted that most of the Nairobi clubs drew their players and supporters from specific ethnic bases, a logical outcome of the way colonialism had segregated the high-density residential estates of the city. Besides Luo Union and the cosmopolitan Nairobi Strikers, the other founding clubs were drawn from the various ethnic sub-groups that were later conveniently dubbed the Abaluhya¹³.

The rise of the football club

Kenyan football players of the colonial and early independence era mostly came from rural communities, a reflection of the rural base of most youth. Increasingly, however, as the country has become urbanised, Kenya's star footballers have grown up in urban high density, low-income neighbourhoods. (This is not limited to Kenya; high density, poor communities have produced many gifted players, including Pele, Maradona and Lionel Messi.)

During the colonial and post-colonial era, Kenya's coastal region – notably Mombasa Island – provided many key players to the national team who at various points played for the dominant Mombasa clubs Feisal and Mwenge (Liverpool), which were among the inaugural KFF league clubs. By the 1990s, the coastal region's influence had waned, including that of its flagship club, the Kenya

Ports Authority-sponsored Bandari FC. However, this later period contributed well-known players at the national level, such as Binzi Mwakolo, Abbas Magongo, Ibrahim Magogo, Mohammed Abbas and George Onyango.

Politics of tribe and post-independence football

After independence, football management became embroiled in politics. The Abaluhya clubs came together to form Abaluhya FC (1965) while Luo Union and the newly-formed Luo Sports, supported by founding Vice-President Jaramogi Odinga and political rival Tom Mboya respectively, pitted rival political groups against each other. When the upstart Luo Sports supplanted Luo Union in the League, the cream of Nairobi-based Luo players protested at what they saw as a Mboya conspiracy by moving to the lakeside club, Kisumu All Stars. In 1968, however, leaders of the Luo community struck a compromise by bringing all Luo players under the Gor Mahia FC umbrella. The ethnically exclusive Abaluhya and Gor Mahia clubs dominated Kenyan football until the corporate-sponsored Kenya Breweries FC was founded in 1970, the successful Kenya Breweries company using its financial might to poach key players from the former clubs.

Influential in the early Kenyan football scene was Isaac Lugonzo who went on to become Mayor of Nairobi. The post independence political rivalry set the stage for football administration to be used as a stepping stone to political office as

¹³Luhya clubs, including Bunyore, Kakamega, Marama, Bunyatso, Samia Union and Bukusu Brotherhood merged to form Abaluhya United. <http://www.kff.co.ke>

the prospective administrators aligned themselves along the emerging political blocs. For instance the Odinga/Mboya political camps, competing for succession to Kenyatta, influenced who would make it not only in the national but also in club football administration¹⁴. Local authority politics has also seen its fair share of football administrators.

Weeding out tribalism?

For the politically repressive Moi presidency (1978-2002), this growth of strong parochial allegiances was threatening. Football won the kind of loyalty that could carry politically ambitious officials into parliamentary and local authority politics, whether Moi and the sole political party, the Kenya African National Union (KANU) liked them or not. More significantly, this clout made it possible for dissenting communities to block Moi/KANU preferred candidates from being elected into leadership.

These are the circumstances under which the Moi regime began a campaign ostensibly aimed at stopping tribalism, which many observers saw as cynical¹⁵. In sports, Moi's decree transformed Abaluhya Football Club (AFC) into AFC Leopards, while Gor Mahia wittily proposing to rename itself Great/Gulf Olympic Rangers (GOR). While the Leopards name change stuck, Gor Mahia retained its original name through the intercession of prominent minister, the late Robert Ouko¹⁶.

The Abaluhya/Leopards name change was a Moi-era strategy ostensibly designed to weed ethnicity out of social activities, by requiring associations, societies and other organisations to drop ethnic names. This also saw various members-only

clubs change their names. Within Kenya's Asian community, for example, Goan and Gymkhana Institutes became Nairobi and Premier Institutes respectively¹⁷.

Fierce club rivalry

The regional backbone of Kenyan football has always been the western part of the country, home to the Abaluhya and Luo ethnic groups. The neighbouring Luhya and Luo, with different ethnic backgrounds, became great football rivals over the years. This translated into clashes that were often violent, especially between 1970 and 1990, which fed the Leopards/Gor Mahia dominance of Kenyan football. Indeed, many of the other competitive clubs acted as nurturing grounds for players destined for AFC Leopards and Gor Mahia, or alternatively, as a vent for the surplus players ejected by the 'big two'. Consequently, former players from these two communities dominate Kenyan football's Hall of Fame.

The rivalry was such, that in the 1970s and 1980s it was unthinkable that a Luhya footballer could turn out for Gor Mahia, or a Luo player for Abaluhya. Indeed, football lovers all over Kenya increasingly found themselves aligning with either Leopards or Gor Mahia, becoming in consequence, nominally Luhya or Luo respectively. Even supporters of other league clubs consciously or unconsciously identified with one or the other of these two clubs.

The division of seating at the main football venues, Nairobi City Stadium and Nyayo Stadium did not help: Leopards supporters occupied the left of the main stand, while Gor Mahia took the right. Football

¹⁴<http://www.kff.co.ke>

¹⁵ Moi's extension of Kenyatta era parochialism was evident in his appointment of unqualified, in instances barely literate individuals to key public offices. A good discussion of such parochialism is to be found in Widner, J. (1992), *The Rise of a One-Party State in Kenya: From "Harambee!" to "Nyayo!"* University of California Press.

¹⁶ In pursuit of his own sound footing in Luo politics, retention of the Gor Mahia name was the first of three issues Ouko successfully championed for the Luo in 1987. The other two were victory in a continental cup and the return to Nyakach (Kisumu) of Omieri, a large python brought for recuperation at the National Museum after being burnt in a bush fire.

¹⁷ Tribal organisations, like GEMA and Luo Union, representing large tribes, were also targeted by these name changes. Many commentators, pointing to Moi's membership of a minority tribe, did not see altruism in Moi's attack on the ethnic names of social institutions. Instead, they saw the initiative as a Moi strategy to rein in powerful organisations that could foster opposition to his heavy-handed regime.

matches involving either club, and especially between them, were preceded and succeeded by extensive feasting and much drinking of alcohol at well-known venues such as Burma Market, Shauri Moyo, Kaloleni and Nairobi West, transforming match-day into a volatile carnival.

Managing football: benefiting from ‘volunteerism’?

As with most Kenyan sports, football management at club and national levels has traditionally been voluntary. Indeed, football executives often find themselves using their private resources to keep their clubs’ activities afloat. To many political aspirants, investing money in a highly politicised football fraternity is good marketing. However, this mode of operation also encourages football executives to misuse meagre club and national team resources, such as gate fees and sponsorship income. This vicious cycle of low resources and mismanagement further fuels the desire for political office which is seen to offer opportunities for self-enrichment.

Vested interests

Despite their joint domestic dominance since their formation, AFC Leopards and Gor Mahia FC went into decline following the mid-1980s emergence of numerous corporate-sponsored clubs, including those attached to state corporations. Motives for corporate sponsorship were varied: ‘marketing investment’, was the term often used as a cover by political ‘wannabes’ in corporations who used (and misused) their office to market themselves¹⁸.

Country and club successes

In their heydays, Gor Mahia and AFC Leopards also dominated the East and Central Africa Club Championship, winning all competitions except one between 1977 and 1987. During this period, the national team, Harambee Stars (under Coach Marshall Mulwa), fared well in the region. Local clubs also did fairly well; Gor Mahia reached the final of the Winners Cup in 1979, while AFC Leopards reached the semi-finals of the Africa Cup Winners Cup in 1985.

On the continental scene, Kenya Breweries reached the semi-finals of the 1973 Africa Cup of Championships Club; Gor Mahia reached the final of Cup Winners Cup in 1979; the semi-

Kenya Breweries FC and the political connection

Kenya Breweries FC was founded during Kenneth Matiba’s chairmanship of the brewing monopoly. Matiba eventually became a member of parliament (1983–1990 and 1992–1997), Cabinet Minister (1985–1988) and presidential candidate (1992). Meanwhile, he had been the KFF Chairman (1974–1978) during which period he fought many battles with political hopeful Dan Owino, a former diplomat and career public administrator who was also a key patron of Luo Union FC. Other KFF chairs who entered politics include Martin Shikuku (1970–1972), Job Omino (1984–1988), Clement Gachanja (early 1980s), Peter Kenneth (1998–2000) and Alfred Sambu (2005–2006). At club level, the patrons and chairs of the big clubs contested parliamentary politics with varied success¹⁹. Local authority politics has also seen its fair share of football administrators.

¹⁸For example, Kenya Posts and Telecommunications Corporation sponsored the very successful Kisumu-based Posta FC amongst many other sporting teams as part of its corporate social responsibility. However, its motive for sponsoring the son of former president Moi in motor rallying cannot have been as noble.

¹⁹For example, for Abaluhya FC, the list includes prominent Kenyans like rally driver Peter Shiyukah, Walter Masiga, Peter Onalo, MP Fred Gumo, and former Minister Mudamba Mudavadi and later son Musalia, current Deputy Prime Minister. At Gor Mahia FC were Zack Ramogo, Peter Anyumba, among others.

finals in 1989; the semi-finals of the 1984 Africa Cup of Championships Club, and became 1987 champions of Africa Cup Winners Cup. AFC Leopards reached the semi-finals of Africa Cup Winners Cup in 1985 and the semi-finals of Africa Cup of Championships Club in 1968.

Harambee Stars have only qualified for the biennial Africa Cup of Nations five times (1972, 1988, 1990, 1992 and 2004) however, they have never progressed beyond the first round. Harambee Stars' greatest moment came in the Kenya-hosted 1987 All Africa Games football final, in which they lost narrowly to continental giants Egypt.

Faded glory

1987 was the summit of Kenyan football attainment: Gor Mahia won a continental club cup while Harambee Stars narrowly lost the final of the All Africa Games football tournament, which Kenya hosted, to Egypt. Then began the decline of the community-backed clubs through the tapping and transfer of prime players by corporate-sponsored, institutional and foreign clubs. For instance, both AFC Leopards and Gor Mahia lost ace strikers to Egyptian clubs.

Kenyan football in decline

As companies and institutions began their sponsorships of community clubs, the concept of 'professional' came into play. In the mid-1980s Volcano United became Kenya's first professional (but short-lived) football club. While AFC Leopards received sponsorship from Crown Paints and for a short time were twinned with a small English premiership club, Gor Mahia and other community-based clubs

struggled with financing, especially when gate revenues declined with key players defecting to paying clubs, and amidst gross misappropriation of resources by administrators²⁰. The growing commercialisation of player acquisition meant that star players breached the ethnic divide.

In the 1990s, corporate and institution-sponsored clubs shifted power away from community-based clubs. The new professionalism meant that players felt secure while they were being paid and knew that, as long as they played well, they were attractive to other clubs. The main supporters of Kenyan community-based football clubs remains Kenyans living in informal settlements such as Mathare and Kibera.

Apart from the loss of community-based clubs, other factors undermined the quality of Kenyan football during the 1990s: the deterioration of voluntary management; a declining standard of managers and officials²¹; and the rise of televised football.

Meanwhile, a shift occurred as the new club managers were employees in the respective sponsoring corporations²². Indeed, whereas previous national football executives had been largely self-made businessmen, the year 2000 saw the top KFF job go to an executive from Coca Cola, Maina Kariuki. This change did not, however, bring about a reduction in mismanagement and corruption as the following chapter demonstrates.

Apart from deteriorating standards in the game (including the issue of safety of fans), globalisation, manifested in the transfer of African players to Europe and the increasing access to satellite television and the internet, are among the reasons why Kenyan football fans began to support foreign teams.

²⁰Community-based clubs invariably depended greatly on the private financial resources of their officials who consequently frequently dipped their fingers into the club kitty as a means of refunding previously invested private resources.

²¹Poor officiating was perceived as possible match fixing, leading to riots, injuries and damage. Dissatisfaction with the officiating during the 1997 season led Mathare United to videotape match proceedings to be used as evidence in post-match appeals. See Munro, B. (2005), "Greed versus Good Governance: the fight for corruption-free football in Kenya". A paper presented to the Fourth World Communication Conference on Sport and Society. November 6-10, 2005, Copenhagen, Denmark.

²²Thus, for example, among the senior Bandari FC managers was the Kenya Ports Authority's Human Resources Manager.

KFF CHAIRPERSONS SINCE 1963 AND THEIR PUBLIC ROLES


Name	Tenure	Office Status	Comments	Public Life
Isaac Lugonzo	1963	Elected		Mayor, Nairobi
John Kasyoka	Mid 60s* -1970	Elected		
Martin Shikuku	1970-1972	Elected	The office was disbanded by the government on allegations of corruption	MP, Butere since 1963 with short breaks until he was ousted in 1988. He recaptured the seat in 1992.
Bill Martins	1972	Caretaker Committee		
Williams Ngaah	1972	Elected		
Dan Owino	1974	Elected		
Kenneth Matiba	1974-1978 1978-1984	Elected	As chairman of Kenya Breweries Football Club (now Tusker FC), Matiba walked out on the Kenya Football Association (KFA) to form the KFF after being locked out of the KFA elections that year.	MP, Kiharu (1983–1990; 1992-1997), Cabinet Minister (1985–1988) and presidential candidate (1992 General Elections).
Clement Gachanja	1984-1988	Elected		MP, Dagoretti 1983-1988
Job Omino		Elected	The office was disbanded by the Government	MP, Kisumu Town First attempt at parliamentary politics, 1988. He ran against the late Dr Robert Ouko for the Kisumu Town seat.
Mathew A. Karauri	*	Caretaker Committee		MP, Tigania East 1979-1992 Chief Executive, Kenya Literature Bureau.
Job Omino	Early 90s* -1996	Elected		MP, Kisumu Town. Served as Deputy Speaker, National Assembly and Assistant Minister for Foreign Affairs.
Peter Kenneth	1996-2000	Elected		MP, Gatanga since 2002 former Managing Director Kenya Reinsurance Company. Assistant Minister since 2003.
Maina Kariuki	2001-2004	Elected	The office was disbanded by the government on corruption allegations but FIFA intervened	Top executive at Coca-Cola.
Alfred Sambu	2004-2007	Elected	Thrown out of office by rebel group	MP, Webuye since 2007 former chairman of AFC Leopards football club.
Mohammed Hatimy	2007 to date	Elected		Nominated Councillor, Mombasa.

*Exact dates for these were not readily available

CHAPTER 4: KENYAN FOOTBALL MANAGEMENT IN CRISIS

Abbreviations and Acronyms

CAF	Confederation of African Football
CAS	Court for Arbitration in Sports
FAP	Financial Assistance Programme
FIFA	Federation Internationale de Football Association
FKL	Football Kenya Limited
ICCG	Inter-Clubs Consultative Group
KEFOCA	Kenya Football Coaches Association
KEFORA	Kenya Football Referees Association
KENFA	Kenya Football Association
KFF	Kenya Football Federation
KLTA	Kenya Lawn Tennis Association
KNC	KFF Normalisation Committee
KNSC	Kenya National Sports Council
KPFG	Kenya Premiership Football Group
KRFU	Kenya Rugby Football Union
MYSA	Mathare Youth Sports Association
NIC	Normalisation Interim Committee
SGM	Special General Meeting
STC	Stakeholders' Transition Committee
UEFA	Union of European Football Association



“That Kenyans are passionate lovers of football is not in doubt, but Kenyans doubt whether football administrators are capable of rising above petty federation politics for the sake of the national squad.”

T. Ngare, “A Nagging Concern”, The Standard, April 3, 2009

Despite (or perhaps because of) the tribalism of post-independence football, games still managed to attract growing crowds, raising standards towards the 1980s dominance of the East and Central African region. However, in the mid-1990s, Kenya lost the opportunity to host the Africa Cup of Nations finals due to management politics and the failure to assure CAF that a sufficient number of quality stadia would be ready in time²³. It is difficult to estimate the adverse effect of this lost opportunity for global exposure on Kenyan football.

Poor leadership, poor governance and lack of accountability

Kenyan football plodded on, even though the deteriorating international results repeatedly raised questions about how to reclaim past glories. Where West and Central African players were making their mark in top European leagues, Kenyan stars found only inauspicious short-term contracts, notably in the Middle East. These factors coincided with a high turnover in office-bearers, who consequently had little opportunity to make a long-term impact on the game²⁴.

However, the current football crisis in Kenyan football grows largely from the failings of the 2000-2004 administration of Maina Kariuki, Hussein Swaleh and Mohamed Hatimy as the KFF Chairman, Secretary General and Treasurer respectively.

Dissatisfaction with this regime led the eight top football clubs to form the Inter-Clubs Consultative Group (ICCG) in December 2000. ICCG developed 50 reform proposals to improve football management, which the KFF Chairman refused to consider²⁵.

The ICCG, with the help of Transparency International, demanded KPMG/FIFA-appointed auditors to audit KFF accounts, causing the KFF to threaten the signatory clubs with disciplinary action, even though the KFF had persistently violated Kenyan law by failing to file its returns with the Registrar of Societies since May 2002.

In September 2003, 11 top premiership clubs resigned from the KFF to form the Kenya Premier Football Group (KPFPG), which co-opted officials of the Kenya Football Referees Association (KEFORA) and the Kenya Football Coaches Association (KEFOCA).

KFF's constitution: the bane of Kenyan football?

The KFF constitution had seen little change in the years leading to the 2004 crisis. Apart from unscrupulous officials, many of the KFF's failures were attributed to a weak constitution. At the time, the greatest challenge facing the KFF was abuse of the electoral process. The review of the constitution

²³In 1993, Kenya was chosen to host the 1996 Africa Nations Cup. The government committed to building a new stadium in Mombasa, one of the conditions set to qualify to host the tournament. CAF sent delegation after delegation to inquire on Kenya's progress in developing the new facility. Each time, they received promises that work on the new stadium would soon begin. Finally, CAF revoked the hosting rights and awarded them to South Africa. At the time, the KFF was led by Job Omino, an opposition leader.

²⁴Contrast this to the experience of the formative English FA years when a mere six presidents presided over the seven decades between 1863 and 1939, including a 33-year tenure from 1890 to 1923. One FA secretariat head presided from 1934 to 1962.

²⁵See Munro, B. (2005), 'Greed vs Good Governance: the fight for corruption free football in Kenya.' A report presented to the Fourth World Communication Conference on Sport and Society. November 6-10, 2005, Copenhagen, Denmark.

Massive misappropriation revealed

Eight Premier League Clubs came together in December 2000 to create the Inter-Club Consultative Group (ICCG) to petition the KFF over negative trends. In spite of KFF resistance, the ICCG protest subsequently unravelled a complex web of financial intrigue. A copy of the KFF audit for 2000 was leaked, revealing major irregularities in the Federation’s book-keeping; only Kshs 2.1 million (US\$26,023) was recorded for gate collections during 2000, although the year witnessed over 300 league, cup and continental matches. Meanwhile, stadium expenses tripled from Kshs 785,225 (US\$10,066) in 1999 to over Kshs 2.3 million (US\$29,487) in 2000, although 150 fewer matches were played that year. Official allowances and youth expenses similarly rose massively, but inexplicably, during the same period. In response to these alarming findings, the ICCG sent a letter to the KFF Secretary General in May 2001 asking the KFF to call a meeting of all clubs to discuss the audit issue and the general issues of accountability. The letter was returned unopened with an annotation stating: “Mail back. We do not know this group since they are not our members”²⁶

ISSUES RAISED BY THE KPFG AGAINST MAINA KARIUKI’S OFFICE (2000-2004)

Article	Management issue
I	Moving the Secretariat, including files, to premises other than those duly recognised by the Registrar of Societies’ office.
III	In May 2001, Hussein Swaleh, the KFF Secretary General, admitted repeated failures to adhere to the Constitution, including failing to act on relegated clubs “due to political interference. The office further admitted that rigorous application of rules, including collection of fines, would mean clubs not playing at all. The Federation also failed to include the KEFORA in its coaching and training activities.
V	Continued violation of the constitutional requirement that its top office holders be ordinarily resident in or own or rent property in Nairobi.
VI	Continued violation of the Kshs 1,000 petty cash ceiling.
VIII	Habitual delays in resolution of appeals beyond the prescribed three weeks.
IX	Failure to hold the constitutionally mandated quarterly meetings of the National Governing Council.
XII	Persistent disregard of the requirement that payments above Kshs 1,000 authorised by the top officials (the Chairman, Secretary General and Treasurer) be ratified by the immediate succeeding Finance Committee meeting. KEFORA was further excluded from the National League & Competitions committee and the Technical & Training committee. Finally, the constitution and processes of the Disciplinary and Appeals Committee were repeatedly mismanaged.
XIII	Failure to supply audited annual statement of accounts.
XIV	Failure to allow member inspection of books of account within a three working days timeframe as provided by the Constitution. Indeed, the accounts had remained inaccessible to members since February 2001.
XV	Failure to conspicuously display its accounts at its registered office, or to produce adequate copies of its accounts for distribution to all members including branches and sub-branch offices.
XIX	Failure to facilitate arbitration of disputes by individuals mutually acceptable to disputants.
XXI	Failure to submit to the authority of the KNSC, such as its November 2001 order for the replay of a disputed match.

²⁶Transparency International, 2001. Global Corruption Report 2001, p. 76, Berlin, Transparency International

was aimed at preparing for free and fair elections, and for it to serve as the basis for improving the management of football in the country.

For instance, after the decision of the High Court confirmed that the term of office of the former KFF officials had expired on March 24, 2004, there was no provision in the KFF Constitution that would allow for an amendment that would facilitate an

election²⁷. This necessitated the government's and FIFA'S interventions as discussed below. The KFF Constitution mandates the outgoing office to conduct elections for a new office. However, in this case, their term had expired.

The court's decision made it imperative that FIFA, CAF and the government rapidly intervene to address the vacuum in football administration in Kenya.

Laws governing sports

There is no single law that governs sports in Kenya. Sports rules encompass a multitude of areas of law brought together in specific ways according to the sport to be participated in. The commonly applicable laws in sports are in areas such as contracts, torts and antitrust, agency, constitutional, labour, criminal, tax issues etc. The applications of sports laws is dependent on the status of the athlete/player, whether the player in question is participating as an amateur, professional, and in international sports.

Amateur Sports: In this category, activities are often organised and managed by individual groups that establish rules for eligibility and competition. The range of activities includes inter-estate football, office competitions, casual weekend athletics, schools competitions, etc. Whether an athlete is eligible to compete in amateur events depends on the rules of the governing association.

Many events formerly reserved for amateurs, such as the Olympics, were opened to professionals in the 1980s and 1990s. Of note in this category is that courts are often unwilling to interfere with actions in this category of sports as long as the respective rules are reasonably applied.

Professional Sports: The most important aspect under this category is the relationship between the individual player and the team owner/s because the player/athlete is paid for his service. This is a contractual relationship governed by the law of contract.

Today, most sports disciplines under this category now have a Standard Player's Contract which serves as a model employment contract between the players and team owners. Many times, this contract is modified to accommodate the special needs and talents of individual players. The parties involved include team owners, promoters, agents, advertisers and the governing body of the particular sport.

International Sports: The two major international sports competitions are the Olympics, sponsored by the International Olympic Committee, and the World Cup, sponsored by FIFA. Continents/regions also organise their own major competitions; in Africa, the major competitions are the African Nations Cup-football, organised by Confederation of African Football (CAF), and the All African Games which brings together various sports disciplines

There are seventeen laws in the official Laws of the Game. The same laws are designed to apply to all levels of football, although certain modifications for groups such as juniors, seniors, women and people with physical disabilities are permitted. The laws are often framed in broad terms, which allow flexibility in their application depending on the nature of the game. The Laws of the Game are published by FIFA.

²⁷This was following the Mombasa High Court declaration that the Maina Kariuki office could not "do anything valid and lawful as regards running the affairs of the KFF" after the 24 March (2004) expiry of its tenure", meaning that effectively there were no *bona fide* KFF officials.

Contradictory FIFA intervention

As Kenyan football management was degenerating, FIFA sent envoys in April 2004, including Jerome Champagne (FIFA Deputy General Secretary) and Dr Joseph Mifsud (Malta, UEFA Executive Committee), to investigate and mediate the crisis.

Their intervention was of questionable value; for example, in contradiction of FIFA's advocacy of exclusive arbitration over disputes (rather than litigation through the courts), Mifsud advised the Federation to "wait for the decision of the High Court in Nairobi that still has to decide whether the order of the High Court in Mombasa... will be overruled."

Mifsud was either misinformed or misunderstood the situation, since the Nairobi and Mombasa High Courts are at par, and one cannot overturn the decision of the other.

In July 2004, after Hatimy (and others) were charged with the theft of Kshs 55 million of FIFA/KFF funds, they were subsequently barred by FIFA from managing the sport in October 2005. Yet, with the theft case unresolved, Hatimy registered FKL in June 2008, with FIFA support, in gross violation of the Kenyan laws under which football management was registered²⁸.

Enter Football Kenya Ltd.

Fast forward to June 2008: following persistent management wrangles that saw parallel Special General Meetings (SGMs) for elections take place in May 2007, and amidst a court case instituted in July 2004 against Mohammed Hatimy (the KFF Chair) for alleged theft, the Hatimy group registered Football Kenya Limited (FKL) with the Registrar of Companies, an initiative that FIFA had apparently already acknowledged²⁹. (The timeline at the end of this chapter highlights the complex chain of

events in football management from September 2003 to April 2010.)

As the FIFA-recognised football management body, the FKL developed its own 84-article constitution based on FIFA Statutes, together with a Memorandum and Articles of Association specifying objectives and a governance structure.

FKL confirmed as Kenya's football governing body

By May 2008, FKL had acquired exclusive recognition by FIFA which threatened to ban Kenya

Resolving disputes through FIFA

Article 4 (2) obliges the Association to provide a means for dispute resolution between affiliated members. Indeed, Article 64 (2) categorically prohibits recourse to ordinary courts of law over disputes, unless specifically provided for in FIFA Statutes. FIFA has its own disciplinary frameworks concerning infringement of the Laws of Football, provided for under Article 57. However, for disputes between FIFA and members, Article 62 (1) and (2) recognise a Court of Arbitration for Sports (CAS) and its Code of Sports-related Arbitration, in the context of Swiss law and other FIFA statutes. Article 63 (2) provides for recourse to CAS when all other channels of dispute resolution have been exhausted. In delineating CAS' jurisdiction, Article 63 (1) allows it to handle all appeals against any final decisions by FIFA's legal bodies, as well as decisions by confederations, as long as such appeals are filed within 21 days of the notification of the decision. Article 64 (1) obliges confederations and associations to recognise CAS and agree to abide by its decisions. This must be reflected in the constitutions of such confederations and associations.

²⁸KEFOCA, KEFOPA, KEFRA petition FIFA on the FKL. See <http://www.kenyafootball.com>

²⁹However, Munro credits FIFA, and particularly Champagne, with finally having, after years of ignoring Kenyan clubs' appeals for help, insisted that KFF officials respect the rights of clubs and the FIFA and KFF statutes, and thereby prevented a renewed "implosion" of Kenyan football, Munro, 2005, p.11.

from football should the government enforce the KFF's status as the country's only legitimate football management authority.

In June that year, the Nairobi High Court ruled against Sam Nyamweya, the KFF Chairman's plea to bar Hatimy lest FIFA exclude Kenya from its competitions to the detriment of the interests of the youth. This decision was upheld by an October Court of Appeal judgement which, however, conditioned this on the impending December elections at which all stakeholders could contest office.

Hatimy conducted the KFF SGM in November 2008 with FIFA and CAF representatives in attendance. The meeting purportedly wound up the KFF and anointed the FKL as its successor; yet, amongst other irregularities, the KFF's constitutional provision that a resolution to dissolve be ratified by a second General Meeting after 30 days was ignored.

Further, on 22 December, the Registrar of Societies' confirmed Nyamweya's as the bona fide KFF office, which meant Hatimy had no legal status under which to convene a federation General Meeting.

Nonetheless, the FKL Secretary General reports the company to have assumed all the KFF's assets and liabilities under FIFA's Goal Project. The bona fide KFF's SGM in December re-elected Nyamweya, an outcome that FIFA ignored to the extent of even dismissing the KFF's request for recourse to arbitration through CAS³⁰. In April 2010, CAS ruled in favour of the FKL.

FIFA double standards?

FIFA's intervention in the Kenyan crisis since 2004 raises concern; in what seems to be a case

of double standards, Dr Joseph Mifsud (Malta, UEFA Executive Committee) accused the Sports Minister of being "very inconsistent since one day he supports the leaders of the KFF and the next day he does something against them." Yet, FIFA itself is guilty of such 'flip-flopping': with the Hatimy theft case yet unresolved, and a FIFA ban from football management, Hatimy registered FKL and consequently hijacked KFF functions with FIFA support³¹ in gross violation of Kenyan – and indeed, FIFA – laws.

In backing the FKL, FIFA ignores the failure of the KFF top officials (Kariuki, Swaleh and Hatimy) to abide by the relevant Kenyan statutes and the KFF constitution to conduct elections before the expiry of their term on 24 March 2004, leading the Mombasa High Court to declare that granting control to Hatimy "may do irreparable damage to the KFF."

Limited legitimacy, lots of cash

Meanwhile, Kenyan football suffers as FKL monopolises FIFA's Financial Assistance Programme (FAP) resources (US\$ 250,000 per year – roughly Kshs 18.75 million) and is without any real structures outside Nairobi. While the FKL claims legitimacy, to the extent that any sub-national structures exist, they are based on the 21-article KFF constitution, which has few parallels with the FKL's 83-article constitution³². Yet, FKL is reluctant to seek an immediate grassroots mandate based on its own constitution, with the Secretary General emphasising that Kenya is part of FIFA's Special Governance Improvement Project for which a roadmap was to be provided in late 2009³³.

Notwithstanding the deeper mess into which FKL has sunk Kenyan football, there seems little scope for getting FIFA to awake to the rot it continues to finance in Kenyan football.

³⁰ KFF filed proceedings at CAS in March 2009. In April 2010, CAS rendered its final decision in the arbitration procedure between KFF and FIFA, dismissing the KFF's request that it be recognised as the body governing football in Kenya and declaring FKL the sole legitimate football administration body in Kenya recognised by Kenyan law in line with FIFA statutes. [http://www.tas-cas.org/CAS2008/O/1808 Kenya Football Federation vs. FIFA](http://www.tas-cas.org/CAS2008/O/1808%20Kenya%20Football%20Federation%20vs.%20FIFA)

³¹ This support was in the form of endorsement, correspondence and the presence of FIFA representatives at FKL meetings. See CAS judgement *ibid* paragraphs 14, 19 and 20.

³² The FKL is essentially using the KFF's sub-national structures – a position reinforced by paragraph 23 and 24 of CAS which cites correspondence between FIFA, the FKL and the Government of Kenya.

³³ <http://www.kenyafootball.com>. No specific information could be found on the Special Governance Improvement Project on the FIFA website.

Attempts towards constitutional reform: the Stakeholders' Transitional Committee and the Normalisation Interim Committee

Following the Mombasa High Court declaration that the Maina Kariuki office could not “do anything valid and lawful as regards running the affairs of the KFF” after the 24 March (2004) expiry of its tenure”, meaning effectively there were no bona fide KFF officials, focus on review of the constitution became imperative to streamline football management in the post-Kariuki period (after 2004).

The sports minister moved quickly to form the Stakeholders Transitional Committee (STC) to fill the gap left by the KFF office.

The Stakeholders' Transitional Committee (STC)

The STC's terms of reference for the three months ending June 2004 were to:

- run the affairs of the KFF,
- review football management and recommend suitable changes,
- review the KFF constitution, and
- organise the election of a new office

The STC chair was Mike Boit, a former Commissioner of Sports, and an athlete. Other members were former footballers, retired and current football managers, Kenya's Commissioner of Police, and representatives of KEFORA and KEFOCA. To ensure non-interfering government oversight, the sitting Commissioner of Sports was a non-voting member.

One of the conclusions of the STC report was that a new direction in football management required a clean break with the past. The report also recommended the establishment of the newly named Kenya Football Association (KENFA) with a new constitution.

The Normalisation Interim Committee (NIC)

However, KENFA's June 2004 registration at the Registrar of Societies was blocked by a

court injunction filed by the KFF. This led to the establishment of the Normalisation Interim Committee (NIC), following a meeting between delegations from Kenya and representatives from FIFA that was held on July 9, 2004, at the FIFA headquarters in Zurich. The aim of the meeting was to try to resolve the current challenges facing football in Kenya and to chart a way forward in football management.

The Normalisation Interim Committee (NIC) sat from June to December 2004, and was headed by Kipchoge Keino. The NIC was expected to work with the help and under the supervision of FIFA to:

- review the KFF rules and regulations to facilitate an election
- ensure that regulation of the election was transparent and acceptable to all parties
- source commitment from the clubs in the official KFF Premier League and the rebel league to merge into one Premier League
- organise the league expected to begin in September 2004

The NIC also produced a draft constitution, based extensively on FIFA Statutes, but which FIFA rejected.

The football representation dilemma

While the STC and the NIC claim their respective review processes to have been objective, it should be noted that a major problem of Kenyan football has been the difficulty of ascertaining the bona fide representatives of football. This observation can be made following the impasse experienced in 2004 when KFF elections were not held as scheduled. Thereafter, anybody could lay claim to the KFF office as all it took was finances to facilitate 'delegates' to assemble for a General Meeting and purport to elect the financiers as KFF officials. The ability to finance 'delegates' has always been a significant factor in grassroots consultative processes. Consequently, aspiring

and incumbent leaders are able to pre-select favourable delegates, undermining objectivity in processes such as the search for opinions on reforms to the constitution.

The STC and the NIC proposals for reform

In constituting the STC and the NIC, conscious efforts were made to ensure wide representation of football stakeholders. During the long-standing wrangles in the football fraternity, both committees were chaired by ‘outsiders’ (Boit and Keino) who had nonetheless distinguished themselves as global athletes and local sports administrators.

While both committees’ constitutions drew very heavily on FIFA Statutes, the STC process creating the 57-article KENFA constitution was

arguably more consultative than the NIC process and its 62-article constitution. Although both drafts provided for arbitration by a seven-member board and barred resort to normal courts, they differed in small but significant ways as shown in the table below.

FKL’s constitution

FKL’s constitution has ten football-specific objectives, very similar to the STC’s five and the NIC’s 16, which include “being the sole organisation in charge of the administration, management and/or running of association football or soccer in Kenya...”. The table below summarises key articles in the FKL constitution against proposals in the STC and NIC drafts.

SUMMARY OF KEY ARTICLES IN THE FKL CONSTITUTION AGAINST PROPOSALS IN THE STC AND NIC DRAFTS

STC proposals	NIC proposals	FKL constitution
Opted for English as the exclusive official language	Recognised both English and Kiswahili	
Election of national office bearers every two years	A four-year tenure for national office bearers	A four-year tenure for national office bearers. Candidates should be between 40 and 58 years of age and without a criminal record “save for petty offences” and must have “a Certificate in Administration and Management of Football which is recognised by FIFA and CAF
10 standing committees	13 standing committees	Provides for an appointed General Secretary who presides over 16 standing committees.
To dissolve the football management body, the STC draft required a two-thirds majority of members attending an Annual or Extraordinary General Meeting, after which assets would be divided between the organisations responsible for primary and secondary school football.	To dissolve the football management body, the NIC draft required a two-thirds General Meeting majority decision to be confirmed by a further General Meeting after which assets would be handed over to the KNSC which would bank the finances until a new football management body had been instituted.	To dissolve the football management body, the constitution requires a two-thirds majority to decide on dissolution with assets going to the “Public Trustee... until FKL is re-established (even though) the final Annual General Meeting may... choose another recipient for the assets...”
		Allows for arbitration in disputes between FKL and members

Over the last few decades poor leadership, poor governance and lack of accountability, coupled with inadequate policy and legislative frameworks, led to the deterioration of football in Kenya to alarming levels that required

government and judicial intervention both locally and internationally.

The table below provides a snapshot of events in Kenyan football over the last decade.

TIMELINE OF EVENTS IN KENYAN FOOTBALL (2000 – 2010)

Date	Event
March 2000	Maina Kariuki wins election as the 13th KFF Chairman, Hussein Swaleh Secretary General and Mohammed Hatimy as the National Treasurer
July 2000	The first in a series of corruption allegations are made against the Kariuki-run KFF as an estimated Ksh 1 million was reportedly stolen from the gate receipts of the Kenya vs Swaziland match.
Third quarter of 2000	An audit is ordered and exposes further major irregularities in KFF bookkeeping.
December 2000	Eight Premier league clubs unite to create the Inter-Club Consultative Group (ICCG) and petition the KFF over mismanagement and corruption. The ICCG protest subsequently unravels a complex web of financial intrigue in spite of KFF resistance.
May 2001	ICCG clubs' letter to KFF Secretary General to hold meeting of all clubs to discuss issues of financial accountability rejected by KFF. Direct appeals to GoK, CAF and FIFA are also unsuccessful.
May 2002	Sports Minister Francis Nyenze dissolves the KFF citing corruption and mismanagement and appoints a caretaker committee. Nyenze's decision is reversed by the high court.
June 2002	Parliament demands that people implicated in corruption and fraud in the KFF administration be prosecuted.
September 2003	11 top premiership clubs resign from the KFF to form the Kenya Premier Football Group (KPFG), which co-opts officials of the Kenya Football Referees Association (KEFORA) and the Kenya Football Coaches Association (KEFOCA).
October 2003	The Kenyan Premier League Ltd (KPL) is incorporated as a private company.
November 2003	The Kenya National Sports Council (KNSC) hosts a reconciliation meeting between the Kenya Premiership Football Group (KPFG) and the KFF at which the KFF chairman promises remedial measures. These included involving football clubs in the KFF constitution review, allowing clubs access to audited accounts for the 2000-2002 period, and paying its debts to clubs and referees. However, he did not deliver on these promises.

November 2003	KPL launches the world's first Transparency Cup with the theme of "Kicking corruption out of football".
March 2004	In response to an application by the Mombasa KFF branch, the Mombasa High Court declares that the Maina Kariuki office could not "do anything valid and lawful as regards running the affairs of the KFF" after the 24 March (2004) expiry of its tenure. Consequently, the sports minister moves quickly to form the Stakeholders' Transitional Committee (STC) to fill the gap left by the KFF office.
March 2004	Internal KFF wrangles escalate and the KFF fixtures become increasingly chaotic. KFF leagues collapse.
April 2004	The Kenya Revenue Authority (KRA) sues the KFF over failure to remit KShs 1.7 million in taxes, and imposes a fine of KShs 500,000 or six months in prison. Meanwhile, the KPFG organises the Transparency Cup.
June 2004	The KPFG establishes the Harambee Stars management board to prepare the national team for qualifying matches for the Africa Cup of Nation and 2010 World Cup. However, with all arrangements already in place for the international encounter in June, FIFA cancels and suspends Kenya's membership for alleged government interference in the running of football.
June 2004	The STC, in partnership with Transparency International-Kenya, holds a conference in Limuru to debate a new constitution for Kenyan Football. The meeting approves the draft constitution for a new Kenyan Football Association (KENFA). It also concludes that the KFF is bankrupt and recommends that former officials be investigated with a view to prosecution and exclusion from holding office in future, among other recommendations ³⁴ .
June 2004	The STC issues "For the Good of the Game", a comprehensive discussion paper on football in Kenya with proposals for the way forward ³⁵ .
July 2004	Negotiations between the government and FIFA lead to the establishment of the KFF Normalisation Committee (KNC) headed by Kipchoge Keino, a prominent Kenyan Olympian and chair of the National Olympic Committee of Kenya. The KNC is mandated to develop a new KFF constitution, hold fresh elections by the end of 2004, and unify the KFF and KPFG leagues.

³⁴The document's full title is "For the Good of the Game: Achieving Good Governance, Financial Transparency and Stakeholder Accountability for Saving and Improving Kenyan Football."

³⁵The meeting also recommended that: the Registrar of Societies review the KFF's legal status with a view to determining its ability to meet its outstanding financial obligations; the KFF constitution be replaced with the draft KENFA constitution (whose registration was subsequently blocked by a court order instituted by the KFF); the Premier League be restructured to include only 16 teams while the nationwide league should be divided into three groups of a maximum 16 teams each and that the government draw its agenda for discussions with FIFA from the consultative report by the STC ("For the Good of the Game") and consider resorting to the UN in the event of FIFA intransigence.

July 2004	Hatimy, Kariuki and Swaleh charged with the theft of KShs 55 million of FIFA/ KFF funds
September 2004	The KNC accepts an invitation to join the board of the Kenya Premiership Limited (KPL).
October 2004	The KNC is registered as the Normalisation Interim Committee (NIC). Its hurriedly-drafted version of the KFF constitution, modelled on FIFA's Statutes, is rejected by FIFA as it was not developed consultatively.
November 2004	KPL's status is formalised by the Registrar of Companies, and it becomes the KFF Premiership League Limited in line with FIFA's requirements.
December 2004	The NIC conducts elections using the existing KFF constitutional provision for a Special General Meeting (SGM). Alfred Sambu is elected chair (beating immediate past KFF secretary general and treasurer Mohamed Hatimy).
May 2005	The KFF National Chairman writes to the Registrar of Companies authorising the KPL to change its name to the KFF Premier League. The KPFG changes its name to the Kenya Premiership League (KPL) Limited
August 2005	While Sambu is recovering from a motor vehicle accident, an SGM replaces him with the government-supported senior Vice-Chair, Hatimy.
October 2005	FIFA bars Hatimy from football management and gives the KFF three months to put its house in order. Meanwhile, the sports minister removes a ban on football activities sponsored by parastatals, and the use of public stadia for football.
January 2006	An SGM reinstates Sambu, and Prof. Moni Wekesa takes up his contract as Secretary General. The KFF institutes a two-month probe into suspected financial improprieties by previous office holders.
June 2006	The report resulting from the probe instituted in January 2006 is adopted by the KFF.
October 2006	The adoption of the financial governance report leads to a FIFA ban on the KFF and on Kenya as a football nation, for alleged government interference in football management. The recently-banned Hatimy replaces Sambu and Wekesa.
February 2007	A meeting between the Sports Minister and the KFF caretaker office is held in Addis Ababa as one of the initiatives to get Kenyan football back on track. FIFA names Hatimy as the acting national chair pending elections to be held by 31 May.

May 2007	Parallel SGMs for elections take place; one hosted by the KFF office recognised by the Registrar of Societies in Nairobi and the other by Hatimy in Malindi, with FIFA and Confederation of African Football (CAF) representatives in attendance. The 93 Kasarani delegates elect Sam Nyamweya as chair. In turn, the Malindi meeting (with 126 delegates) alleges that US\$115,000 (roughly KShs 8.6 million) is unaccounted for by the Sambu/Omino office, prompting FIFA to threaten court action.
August 2007	A further 103-delegate SGM confirms the KFF office of Sam Nyamweya. A letter to this effect is sent to the Registrar of Societies.
May 2008	The KFF (under Nyamweya) obtains a court injunction barring Hatimy from interfering in its affairs. FIFA protests the involvement of ordinary courts in football matters and threatens to exclude Kenya from the May/June qualifiers for the African Cup of Nations unless the KFF vacates its headquarters, built using FIFA's Goal Project funds.
June 2008	The Hatimy group registers Football Kenya Limited (FKL) with the Registrar of Companies, an initiative that FIFA had apparently already acknowledged . The Nyamweya faction requests FIFA to start an arbitration procedure for, among other issues, the recognition of the duly elected & bonafide officials of the KFF as regards the meeting of August 2007. FIFA declines to start the arbitration procedure.
August 2008	A group of prominent former football players and administrators seeks audience with the Prime Minister to request his intervention over the stand-off in football management. The meeting does not take place ³⁶ .
October 2008	The Court of Appeal (after an appeal by the KFF) decides in favour of Hatimy "as Nyamweya had never been in control despite being the legal KFF ³⁷ ." However, the court emphasises this status quo will only be maintained until the association's elections in December 2008.
November 2008	Hatimy hosts an SGM attended by 105 delegates, including CAF and FIFA representatives. Amongst other things, the meeting peruses audited Financial Assistance Programme (FAP) accounts up to 2007 - the first audit in 10 years. The formation of FKL and the dissolution of KFF is also agreed at this meeting.
November 2008	The KPL and SuperSport International sign a 4-year partnership agreement. Under the agreement, SuperSport secures the TV broadcast and new media rights for the Kenyan Premier League for a total of US\$5.5 million (Ksh 360 million) for the 4-year period.

³⁶ It is worth noting that Hatimy is a nominated Mombasa councillor of the Prime Minister's Orange Democratic Party [ODM] to which FKL Vice-Chair Erastus Okul also belongs. Meanwhile, Nyamweya (of the KFF) is a political activist of the Party of National Unity (PNU) which Kenya's President chairs

³⁷ See Civil Appeal Number 154 of 2004.

December 2008	The Nyamweya group holds a 150-delegate SGM. The Registrar of Societies confirms Nyamweya's victory at that SGM.
February 2009	FIFA send a letter to Hatimy informing him that KFF is no longer registered by FIFA and CAF and the same should be transmitted to the Registrar of Societies in Kenya.
March 2009	The Prime Minister of Kenya writes to FIFA President Blatter informing him that the government recognises FKL as the only body managing football in the country and that the FKL Headquarters will be returned to FKL immediately.
May 2009	Hatimy's faction continues to run Kenyan football despite pending criminal court cases and government recognition of Nyamweya's faction. The latter, in turn, files for CAS arbitration.
August 2009	Hatimy suspends FKL Executive Secretary Obingo for failing to consult over the arrangement of friendly matches for Harambee Stars. In turn, Obingo complains of interference by office-bearers.
August 2009	The Sports Minister appoints the Vimal Shah Committee to "attempt to reconcile the KFF and FKL." The Vimal Shah Report largely finds against Hatimy's FKL noting that: The KFF constitution had been prepared in collaboration with FIFA to ensure compatibility with FIFA Statutes; dissolution of the KFF required an AGM resolution passed with a two-third majority of members present and voting, which Hatimy's 15 November meeting had not complied with; Hatimy had neither held a confirmatory meeting a month later nor sought the Registrar of Societies' certification of the KFF dissolution, as provided by the KFF's constitution; there are no statutory provisions for the transformation of a society (the KFF) into a private company (FKL), not to mention the fact that FKL was incorporated in June, a full five months before the meeting that purportedly transformed the KFF into the FKL.
2009	Correspondence between the FIFA and KFF-Nyamweya faction continues throughout the year on the filed arbitration matter.
January 2010	The hearing of the arbitration matter begins in Lausanne, Switzerland.
April 2010	CAS delivers a ruling stating that FKL is the body recognised to carry out football-related activities in the country.

CHAPTER 5: THE PROBLEM WITH FOOTBALL MANAGEMENT IN KENYA: KEY ISSUES

Abbreviations and Acronyms

CAF	Confederation of African Football
FIFA	Federation Internationale de Football Association
FKL	Football Kenya Limited
ICCG	Inter-Clubs Consultative Group
KFF	Kenya Football Federation
KLTA	Kenya Lawn Tennis Association
KPFG	Kenya Premiership Football Group
KRFU	Kenya Rugby Football Union
MYSA	Mathare Youth Sports Association
STC	Stakeholders' Transition Committee

“The wrong people for the wrong reasons win elections”.

Stakeholders' Transition Committee, Final Report June 2004



The STC's findings

The STC's report, "For the Good of the Game", did not dwell on the challenges facing Kenyan football, choosing instead to focus on improvement of the game. However, the report identified the following key issues:

- A flawed KFF constitution allows "the wrong people for the wrong reasons to often seek and win (KFF) elections (after which) they often ignore the real stakeholders." Most recently, this resulted in 20 repeated violations of 12 of the 21 articles of the KFF constitution.
- Talented players, mostly from poor families, get little opportunity to exploit their full potential and escape poverty because of mismanagement and corruption at the KFF which undermines investment in youth and women's football. In effect, "KFF officials (steal) the future of the youth".
- Corrupt and incompetent KFF officials lacking in leadership abilities, transparency and accountability cause multiple organisational and financial crises and scandals, violating their constitution in failing to circulate annual audit reports, allow members' access to account books, act on the findings of the 2001 KFF Probe Report, fulfil financial obligations to members and act on reform recommendations made by stakeholders.

- Consequent to these factors, key sponsors withdrew, resulting in some clubs collapsing while the existence of others is threatened. Effectively, the KFF became "bankrupt and so indebted (and) widely discredited (that it was) no longer a publicly credible, financially viable or marketable entity."

While violation of the KFF rules and regulations is unacceptable, the then-Secretary General's explanation in 2005 that strict adherence to these rules would kill some clubs simply underscored the need to review the constitution in the context of developments inside and outside football. In what seems to be a vicious circle, mismanagement has turned away sponsors and (paying) spectators, meaning many football clubs' revenues have diminished. This increases such clubs' dependence on patrons without fundamental interests in football, who expect a return on their (financial) investment. This fuels misappropriation of revenues, such as gate takings and FIFA grants. Other patrons expect electoral favour, failing which they withdraw support.

Theft of stocks and club victimisation

The mismanagement of football resources is not limited to finances: the Commissioner of Sports cites the disappearance of 2,000 donated footballs at the hands of the KFF.

³⁸Mathare United is a Kenyan football club based in Mathare slums of Nairobi. It is a member of the top division in Kenyan football. The club was formed in 1994 as a professional outfit of the Mathare Youth Sports Association (MYSA - which was founded in 1987). The club has been in the Kenya Premier League since 1999. Mathare United has produced many Kenyan top players, including Dennis Oliech.

The violations of the constitution have also meant that various KFF offices have ignored impartiality: Mathare United Football Club³⁸ has complained of victimisation through interference with match schedules and biased officiating during matches, designed to penalise clubs that question poor governance in Kenyan football³⁹.

These factors undermine the development of the national team and the development of youth and women's football, as noted by the STC report.

The price of football mismanagement in Kenya

Telling improvements in football during the reform periods

One way of gauging the KFF's impotence is to examine trends in football during the short interludes of the interim committees. In the STC's three-month tenure, various reforms were instituted, some of them from among Kenya Premiership Football Group (KPFPG) and Inter-Clubs Consultative Group (ICCG) proposals presented to the KFF over the years.

While the KFF's league was collapsing – partly as a result of the withdrawal of key league clubs – the KPFPG organised a Champions League that also involved participating clubs in some community responsibilities, such as cleaning the environment. At matches, home teams retained 100 percent of gate takings, a motivation for improved management of ticket sales. The

³⁹ See Munro, B. (2005), "Greed vs Good Governance: the fight for corruption free football in Kenya." A paper presented to the Fourth World Communication Conference on Sport and Society. November 6-10, 2005, Copenhagen, Denmark.

⁴⁰ <http://www.kenyafootball.com>

⁴¹ Stakeholders Transitional Committee, (2004). "For the Good of the Game: Achieving Good Governance, Financial Transparency and Stakeholder Accountability For Saving and Improving Kenyan Football". Nairobi: Stakeholders Transitional Committee

Women's football

Women's football in Kenya is faring very poorly. The KFF, with the assistance of MYSA leaders established the first and only league for women in 2002. Aside from this, the only significant tournaments for girls have been organised by MYSA. In Mathare area, 2,500 girls on over 200 teams in different age groups participate in the MYSA self-help sports and community service programmes. Some girls' teams are already highly competitive, internationally winning gold, silver and bronze medals at the world's largest youth tournament in the last five years⁴⁰.

The KFF has failed to support and enter national girls' and women's teams in CAF and FIFA competitions. This neglect is despite allocations from FIFA for this activity. For instance, in July 2006, FIFA's head of development management team, Pascal Torres, wrote to Alfred Sambu, chair of the KFF, informing him that FIFA would make a transfer of USD 113,000 on the 19th of July. The monies were to be assigned as follows: US\$25,000 for youth football activities; US\$25,000 for women's football; US\$10,000 for technical development; US\$10,000 for refereeing activities; US\$5,000 for planning and administration; US\$33,000 for planning and administration. In spite of these provisions, there have been complaints over delayed allowances for women players, an indication that, at best, women's football is poorly managed⁴¹. At worst, these funds may not reach the intended recipients.

The 2004 Stakeholders' Transitional Committee (STC) Report made a number of recommendations for the way forward in women's football including the need to start professional women's football leagues in other provinces and to organise local, provincial and national competitions for girls' teams from primary and secondary schools.

The STC proposed that girls be given far higher priority and support in local to national youth football programmes.

KPFG further organised the Transparency Cup, originally for the 'rebel' clubs, but eventually incorporating other clubs from the collapsed KFF league. Corporate, civil society and donor support enabled the payment of a total Kshs 2.5 million to the top four teams of the tournament, prizes of a size never witnessed in Kenya before⁴². Under its management board, Harambee Stars' matches against Swaziland and Morocco enabled Kenya to rise to an unprecedented position 58 in FIFA rankings before FIFA abruptly cancelled the team's match against Guinea.

The interim committees of 2004 showed the level of potential for improvement in managing football in Kenya.

Lost opportunities for investment

While the FKL constitution is more comprehensive than the KFF constitution, the FKL does not have a grassroots presence to enable its effective management of the sport. Consequently, the elaborate governance structures proposed by STC remain just that: proposals.

Thus, FIFA's US\$ 250,000 (approximately Kshs 18.75 million) 'seed money' plus whatever the Kenya government provides, continues to disappear, seen in the disputes over coaches' salaries and players' allowances ahead of the Harambee Stars June 2009 trip to Nigeria, as well as the declaration in September that year that the Sports Ministry could not afford the coach's salary⁴³.

While the FKL's Secretary General laments the Kenya government's weak financial commitment to football compared to the Tanzania government's, the FKL must appreciate that good governance in Tanzania attracts a further Kshs 600 million from corporate sponsors, such as Castle Breweries.

In the Kenyan scenario, the 2004 Transparency Cup showed the potential for non-government sponsorship.

We also know that other Kenyan sports committees attract varied resources: the Kenya Lawn Tennis Association (KLTA) receives an International Tennis Federation grant for its School Tennis Initiative focusing on the under-12 primary school children, initially in Nairobi while the Kenya Rugby Football Union (KRFU) received a total of UK£ 200,000 (roughly Kshs 28 million) to implement its first Strategic Plan (2005/2008). Both bodies also approach the corporate sector for tournament sponsorship. For instance, the rugby federation received over Kshs 25 million for the three-day Safari 7s tournament in June 2010⁴⁴.

Management lessons from other sports associations

The Kenya Lawn Tennis Association (KLTA) attributes the successful management of its more elitist sport to the strong spirit of volunteerism, which it says is lacking in the football arena. The

⁴² Donations came from the embassies of Britain, Canada, Germany, Netherlands, Norway and from Transparency International-Kenya. Corporate sponsors included the Expo Camera Centre, Kandanda, Kapa Oils, K. D. Wire, Kenya Commercial Bank, Minto Trade, 3mice Interactive Media, Safaricom, Sher Agencies, Sports Station, Sportswise Management, Tequila Kenya, Textbook Centre Sports and XXCEL Africa. ⁴³ <http://ndn.nigeriadailynews.com>
<http://roadto2010final.blogspot.com/2009/06/kenya-coach-boycotts-nigeria-trip.html>

⁴⁴ KRFU has to date acquired prime corporate sponsorships, such as Kenya Airways, Kenya Breweries, Safaricom and Virgin Atlantic, among many others.

spirit of voluntarism minimises conflicts of interest and competition for leadership. The Kenya Rugby Football Union (KRFU) also attributes football mismanagement to the lack of professional capacity of many of the people involved.

In these and other sports, there is limited scope for revenue generation, such as through gate

fees, because of low player and spectator involvement. This may contribute to transparency in management in order to attract corporate sponsors and international grants. Further, because of the comparatively small and elitist player and spectator populations, tennis and rugby do not offer an attractive hunting ground for opportunists seeking a platform into national or local politics.

Youth development

Among the key issues in youth development in the arena of football is the KFF's failure to produce a national youth development plan as repeatedly promised. Further, there is no national system for identifying and providing special training for talented young players. The KFF officials also misappropriated the youth levy from the gate receipts of all matches and a FIFA Youth Development Programme grant of US\$250,000 in the year 2001⁴⁵. Observers agree that there is nothing to show for this grant and it is widely thought that the money ended up in federation officials' pockets rather than going towards developing youth soccer in Kenya⁴⁶. With proper use of such a large grant, Kenya's national under-20 team need not have travelled the 862 km from Nairobi to Bujumbura by road to play in the 2009 regional youth tournament, for instance⁴⁷.

Even though Kenya fields youth teams, football administrators do not consider it a priority, failing to invest adequately in this sector. It is telling that the national under-17 team lost 3-1 to Somalia in an Africa Youth Championships qualifier match in April 2010.

Recognising these issues in the administration of youth football in Kenya, the 2004 Stakeholders' Transitional Committee (STC) Report made a number of recommendations for the way forward in youth football including: the need to focus on youth development programmes for players 16 years and younger; the need to improve school facilities, training and competitions at all geographic and age levels. The report also proposed that all Premier League clubs be required to establish a junior team of players aged 18 years or below, with a maximum of three players over 18 years old.

⁴⁵ Transparency International (2001). Global Corruption Report 2001. Berlin: Transparency International

⁴⁶ <http://www.playthegame.org>

⁴⁷ <http://www.kenyafootball.com>

CHAPTER 6: CONCLUSION AND THE WAY FORWARD

Abbreviations and Acronyms

FAP	Financial Assistance Programme
FIFA	Federation Internationale de Football Association
FKL	Football Kenya Limited
ICCG	Inter-Clubs Consultative Group
KFF	Kenya Football Federation
KPFG	Kenya Premiership Football Group
NIC	Normalisation Interim Committee
STC	Stakeholders' Transition Committee

Until brought to a level where they can compete in international tournaments beyond Africa, women's soccer teams will continue to struggle. And, considering the rampant corruption that plagues our continent, it might take a century to see male soccer teams managed and funded sufficiently..."

Juliet Torome, 'World Cup won't boost Africa Women Soccer',
The Star, July 7, 2010



Plans for the future

FKL has a Strategic Plan for the 2009/2012 period with desirable interventions, such as training coaches, and introducing contracts, medical testing and insurance for players. However, the Plan is a collection of generalities rather than costed, time-bound specifics that could convince prospective sponsors.

Indeed, every year's budget merely breaks down the FAP US\$250,000 (roughly Kshs 18.75 million) into regular allocations to ten areas over the four years of the plan as if previous years' investments make no change to the current status, and therefore have no influence on future budgetary needs. While the FAP is seed money, the Strategic Plan appears to have no scope for generating supplementary financing from FKL's own activities or from the goodwill of corporations and donors. Along such lines, FKL would do well to review KRFU's detailed and costed Strategic Plan which sets time-bound targets for activities and revenues. Meanwhile, the FKL Strategic Plan also shows scant awareness of the exhaustive work done by the STC and the NIC in identifying the way forward for Kenyan football.

The STC reform proposals

During Maina Kariuki's tenure at the KFF, various stakeholders had made reform proposals that

were largely ignored, such as the product of a 2001 audit and 2001 ICCG recommendations. The STC report of June 2004 contained 130 reform recommendations that arguably build on the concerns of previous stakeholders, such as the KPFG and the ICCG to the extent that some of the latter's committee members had been involved in the earlier initiatives. Indeed, a major criticism of the old KFF constitution had been its exclusion of football players, referees and coaches from deliberations on football management; the STC secured amendments by including the chairs of the coaches and referees associations, as well as numerous former players and officials in discussions.

Schools, women and youth football representatives were also brought into the process. The NIC endorsed some of the STC's initiatives, such as the commercialisation of the premier league, but was not always decisive in implementing such measures transparently.

In light of the foregoing, this report reiterates its view that the STC's reform proposals were generated in a participatory way and therefore have the most authority. As such, they should form the basis of any comprehensive reforms to football management in Kenya.

Further, the KPFG/ICCG initiatives of the early 2000s contained the seeds of a more transformative approach to football management. This is covered in the following chapter.

Summary of recommendations by the STC

Below is an overview of some of the recommendations made in Annex 2 of the STC's Final Report:

1. Formation of a new football management body

The STC report recommended a clean break from the KFF to form a new football management body based on FIFA Statutes, which recognises the rights of players, coaches and referees as "producers of football" while active and into retirement. The new body would address management corruption by installing a professional secretariat that incorporates professional financial management, the latter ideal being based on the investigation and punishment (where necessary) of past indiscretions or abuse.

2. Professionally-managed clubs

The reforms called for professionally-managed clubs with players and certified coaches under contract, meaning, among other things, the prompt payment of dues. Besides active welfare organisations, players would benefit from medical tests and insurance.

3. Investment in youth and women's football

Under-16 talents would be documented and clubs would be encouraged to recruit them while efforts would be made to improve women's football with scholarships awarded to the talented.

4. Capacity building

Improvement of technical coaching capacities would be sought through sub-national coaching networks.

5. Development of a strategic plan for the national team

A strategic plan for the national team would see short-term foreign coaches giving way to national coaching teams.

6. Commercial management of leagues

On the playing front, the STC report advocated the commercial management of leagues along the lines of the English premiership, through the establishment of a management company owned by competing clubs and the national football oversight body.

7. Establishment of a top-tier league

Keeping in mind the need to avoid player burnout, the STC proposed a top-tier league of a maximum 14 clubs by the 2005/2006 season. At the sub-national level, three initial sub-groups would eventually be merged into a single national league of between 10 and 16 clubs.


8. Link football to other socio-economic activities

One important reform proposal would be to link football to other socio-economic activities, including health concerns (drugs and AIDS), environmentalism and community service. The MYSA experience is also an example of football's potential for peace-building and reconciliation efforts.

CHAPTER 7: TRANSFORMING FOOTBALL MANAGEMENT FOR NATIONAL DEVELOPMENT

Abbreviations and Acronyms

CECAFA	Council of East and Central African Football Associations
GTZ	German Technical Cooperation
IDPs	Internally Displaced Persons
MYSA	Mathare Youth Sports Association
NARC	National Alliance Rainbow Coalition
ODM	Orange Democratic Movement
PNU	Party of National Unity
UN	United Nations
UNHCR	United High Commission for Refugees



“Too many national associations are failing African football. We cannot have strong national teams without strong leagues but we do not have strong leagues because too often the associations are run by the wrong people, people who get involved for politics or money, not for football. Until we sort ourselves out, we will have the same old circus.”

Nicholas Musonye, General Secretary, CECAFA
The Guardian, July 11 2010

The 2008 violence witnessed in Kenya in the wake of the disputed 2007 General Elections has been widely attributed to anger over the perceived betrayal by political leaders in the four decades since independence.

That Kibaki's 2003 accession changed little by way of ensuring good governance was manifest in festering grievances brought to the fore in the 2008 violence that largely pitted youths from different ethnic groups against each other. The resolution of these conflicts would force Kibaki to confront the numerous reform proposals of the National Rainbow Coalition (NARC) manifesto that he had reneged on from 2003, in the form of Agenda Four, issues negotiated between the pre-eminent 2007 elections protagonists, the Orange Democratic Movement (ODM) and the Party of National Unity (PNU). The key agenda items are highlighted in the box below.

The attainment of Agenda Four reforms would go a long way towards reducing poverty and inequality, which contributed significantly to the 2008 violence. Yet, such attainments will take time. Meanwhile, it is necessary to devise approaches that can pre-empt or resolve the perennial tensions that arise among Kenyan communities. In other contexts in Kenya and other countries, football and sports in general has been employed in such initiatives. The rest of this chapter reviews the character, implementation and outcomes of some such initiatives with a view to assessing how they could be part of a football and sports for national development initiative.

A positive example of sports management

In Kenya, the Mathare Youth Sports Association (MYSA) initiative has been used for the pursuit

of varied ends⁴⁸. Founded in 1987 in Nairobi's Mathare slums, and best known for football, MYSA other activities include drama, music, dance, photography, library and social hall services. Within the community, MYSA pays attention to child prisoners, HIV/AIDS awareness, garbage collection and environmentalism. MYSA is run by a members' Executive Council democratically elected from the grassroots, whose ages range between 17 and 21 years, an entirely youth-empowering process. MYSA's football programme covers some 21,000 girls and boys in multi-ethnic teams in 120 leagues in 16 zones.

Agenda items in Kenya's 2008 Coalition Agreement

On February 28, 2008, following the political violence ensuing from the disputed December 2007 General Elections, the two main parties signed the 'Agreement on the Principles of Partnership of the Coalition Government', following which the National Accord and Reconciliation Act of 2008 was enacted. Under the agreement, the parties committed to undertake a set of actions under four main agenda items. These were:

- **Agenda Item 1:** Immediate action to stop violence and restore fundamental rights and liberties;
- **Agenda Item 2:** Immediate measures to address the humanitarian crisis, and promote healing and reconciliation;
- **Agenda Item 3:** How to overcome the political crisis; and
- **Agenda Item 4:** Addressing long-term issues, including constitutional and institutional reforms, land reforms, poverty and inequalities, youth unemployment, national cohesion, and transparency and accountability.

⁴⁸See Munro, B. (2009), "Sport for Peace and Reconciliation: Young Peacemakers in the Kakuma Refugee Camp and Mathare Slums in Kenya." Paper presented to the 6th Play the Game World Communications Conference on Sport and Society, Coventry, UK, June 8-12, 2009

MYSA has been an agency of defusing tension over the years, keeping many young people out of the ethnically centred vigilante groups of the slum, notably the Mungiki of the Kikuyu and Taliban of the Luo. MYSA initiatives were unable to promptly defuse the tensions that arose from a 2005 standoff over rent payments in the slum, partially because this conflict was not entirely indigenous to the slum area given that many tenants were outsiders. However, MYSA was able to do a lot more against the violence in the wake of the 2007 elections (see box below).

Earlier, MYSA's example had been instrumental in defusing tensions and instilling harmony in the multinational Kakuma Refugee Camp in Turkana. In 1999 Kakuma had 70,000 refugees, 70 percent of whom were from multi-ethnic Southern Sudan, and the rest from seven other countries. Two-thirds of the camp inmates were under 25 years old, with one-third of those being unaccompanied minors. The original football initiative developed 200 ethnically exclusive teams, which excluded the 20,000 girl population from their activities. However, a 1999 initiative of the United Nations High Commission for Refugees, World Lutheran Foundation and the Netherlands government used the MYSA model to address gender and ethnic barriers in participation, excessive dependency among refugees, community self-help and emerging social and health threats.

By mid-2000, 12,000 youths, including 1,800 girls and 400 disabled people, were involved in mandatory multi-ethnic football, basketball, netball and volleyball teams in the camps and schools. Girls' representation on youth-managed sports committees was mandatory, with MYSA complementing local initiatives rather than doing things for the community. Twenty workshops, each lasting two weeks, trained 600 youth leaders in sports administration. Successful completion of the GTZ-sponsored *Youth for Environment Programme* added points to sports teams.

Eventually, independent evaluations of these initiatives concluded that they eradicated idleness and boredom,

diminished tensions, raised self-esteem and the scope for non-violent conflict resolution, and produced income generating activities. Importantly, this model was exported to Rumbek, Southern Sudan during the 2001 Child Soldiers Demobilisation Programme involving some 3,000 youths.

This year, MYSA won a trophy at the 2010 Football for Hope Festival, held in Johannesburg parallel to the World Cup. Young people in 32 teams from over 40 countries participated in a festival of education, culture and football.

The example cited in this section, and others, show the potential for football specifically, but sports in general, to provide opportunities for poverty and inequality reduction, social cohesion and towards the attainment of such Millennium Development Goals as the enrolment of girls in schools, HIV/AIDS and a sustainable environment. This and similar initiatives are currently confined to certain regions, but as with MYSA's foray outside Mathare, in the right context they could be rolled out countrywide. Such a move would benefit greatly from a properly managed football sector in the country.


Using sports to reconcile antagonists

Building on its previous achievements, MYSA was able to successfully intervene to assist internally displaced persons (IDPs) after the outbreak of violence in the wake of the disputed 2007 general elections. While the UN and other donor agencies dithered over their appropriate role in the unfolding tragedy, MYSA diverted resources marked for its anniversary celebrations to tending to deprived people's needs. Soon, MYSA was attending to 8,000 IDPs including 6,700 children, supplying material needs while also providing sports pastimes to allow mothers to undertake household chores. The football matches were among ethnically diverse teams while MYSA also used its resources to purchase uniforms and shoes to enable 200 boys and girls to return to school after the violence subsided.

CHAPTER 8: RECOMMENDATIONS

Abbreviations and Acronyms

FIFA	Federation Internationale de Football Association
FKL	Football Kenya Limited
KNSC	Kenya National Sports Council
NOC-K	National Olympic Committee of Kenya
STC	Stakeholders' Transition Committee



“We should start developing soccer at the grassroots level. It is high time we start spotting talent at an early age and develop it. If we do this, Kenya will surely go to the World Cup in 2014. We can surely make it to Brazil.”

Prime Minister Raila Odinga

“PM calls for order in football management”, Daily Nation, July 4, 2010



Six years down the road, none of the STC's, or indeed other, reform proposals have been implemented substantially due to persistent wrangles in Kenyan football management. Implementation of these reforms would positively transform football management in Kenya and potentially contribute to national cohesion and development.

Kenyan football cries out for reform. However, given FIFA's power and readiness to intervene in local attempts to clean up the sport, which this report has detailed, it is difficult to see how such reforms could be successful without real change at the international level. In this respect, Kenya is in a singularly difficult position, being a football minnow which happens to have caught the negative attention of FIFA. Considering that Kenya has very little leverage against a FIFA that could contemplate banning Brazil, an international football heavyweight, the push for such reforms would have to be carried out very strategically.

This section presents some proposals on the way forward for Kenyan football management⁴⁹.

1. FIFA should serve the global interest in football management.

For FIFA to serve global rather than parochial interests, it is necessary to review its frameworks to secure the Federation against a manipulative administration. How this could be done is not immediately clear given that such changes would have to come through the FIFA Congress which is alleged to be firmly under the thumb of the

current FIFA President, despite a few dissenting voices. Introducing a limitation of tenure could go a long way towards discouraging incumbents from developing fiefdoms.

2. The many football-management related cases before the Kenyan judiciary should be quickly resolved and punitive action taken to deter future misconduct.

For example, if Hatimy were to be found guilty and convicted in either of the criminal cases before the courts, then he would be ineligible for election to football management under both FIFA Statutes and the FKL constitution.

FIFA could then take the unlikely decision of banning Kenya, or accept that football can prosper without Hatimy. Nonetheless, it is important that the cases involving misuse of football management office – such as the Kariuki regime's failure to bank revenues from ticket sales – be decided, and punitive action taken to deter future administrators from such misconduct.

3. A good governance framework for football management in Kenya should be established.

Seeming government support for Hatimy and for the termination of the coaching tenure of the comparatively successful Kimanzi, has proved a stumbling block to improved football management in Kenya. The exorbitant salaries paid to foreign coaches should instead be used as incentives for players and local coaches and would go a long way in making the national

⁴⁹Some of these proposals lean on recommendations made by an All Party Parliamentary Football Group in the UK Parliament, which conducted an inquiry into the governance of English football. See "English Football and its Governance, All Party Parliamentary Football Group, London, April 2009.

team more competitive. Further, the government should take a more objective view and allow football to find its own equilibrium, such as through genuinely free and fair elections.

The government and the entire football fraternity would do well to espouse a good governance framework for Kenyan football incorporating the many valuable proposals made in “For the Good of the Game” and other similar initiatives.

4. *The STC’s findings and recommendations should be appropriately updated and implemented.*

With regard to the foregoing recommendation, the STC’s findings and recommendations should be appropriately updated and implemented. The STC was working under a severe time constraint. In a less strenuous context, it would be possible to improve on STC’s recommendations for the exploitation of football’s socio-economic potential.

5. *Capacity building should be provided for ‘producers of football’ and other key stakeholders.*

Capacity building for the ‘producers of football’⁴⁹ and other key stakeholders,⁵⁰ is imperative. The proposed areas of intervention would include capacity building on the national sports management framework and football management rules/regulations. This would include capacity building on FIFA, other country case studies, the FKL, and club constitutions.

6. *Access to information on various important aspects should be ensured.*

All key club documents such as constitutions should be available on the internet. Returns of all clubs should be publicly available and annual reports

should be published, including financial information. There should be transparency on directors’ and club officials’ background and interests.

7. *A Fit and Proper Persons Test should be adopted.*

A Fit and Proper Persons Test should be adopted and stringently carried out to ensure that clubs are owned and/or run by people who want to see the clubs succeed and espouse values aimed at promoting the greater interests of the game.

Persons with a history of corruption and mismanagement or with related or criminal cases pending in court should not be allowed to hold leading positions in football clubs. The eventual establishment of an independent regulatory authority for sports would facilitate this kind of oversight. Its establishment should be coordinated with all stakeholders including FIFA.

8. *Participation by and accountability to supporters in sports structures should be encouraged and facilitated.*

Supporters contribute to the development of football by supporting it and paying to watch it. The establishment of supporters’ trusts would be one avenue for consolidating and representing supporters’ interests as corporate bodies to whom clubs owe accountability.

9. *The 2002 Kenya National Youth Policy should be updated and implemented.*

The current National Youth Policy does not prioritise sports development. As a result, interventions to address problems in the sports sector have historically been ad hoc, lacking focus and therefore ineffective.

⁴⁹These include players, referees, coaches, club officials and football officials

⁵⁰These include supporters’ clubs, the media, and the Kenya Police (because they are in charge of security in the stadiums)

10. Modern sports facilities should be established in each of the country's provincial headquarters to help in identifying and nurturing talent.

Existing sports facilities should be gazetted as national heritage sites (to help preserve them from land grabbers) and their accessibility to the youth guaranteed.

11. Opportunities for all, especially the youth, to participate in football should be provided.

Incentives should be offered to local football clubs which have fully-fledged youth teams of various age categories.

12. More government investments should be directed towards the hosting, organisation and follow up programmes of both the Primary and Secondary Schools Sports to enhance the positive exploitation of identified talents in those games.

This would in effect make sure that the country is represented in all age categories of CAF and FIFA tournaments as well as providing a source of employment to those who are unable to further their studies.

13. Youth football should be linked with other national socio-economic development programmes.

The government should link and facilitate youth teams to national development programmes on issues such as the environment, and HIV/AIDS.

14. An independent annual audit of the Sports Development Fund should be undertaken.

An independent audit should be undertaken to assess whether the Kshs. 10 million constituency Sports Development Fund is an effective tool in tapping and nurturing football talent in the constituencies.

15. The recommendations of the Ndung'u Commission of Inquiry should be implemented.

In dealing with corruption, the government should implement the recommendations of the report of the commission of inquiry into the illegal/irregular Allocation of public land to recover public utility land meant for development of sports facilities.



ANNEX: COMPARING FOOTBALL MANAGEMENT ACROSS NATIONS - EXPERIENCES FROM ELSEWHERE

England

England's pioneering national football administration, the FA was founded in 1871 and has operated continually ever since. Its founding coincided with the split in football activity that distinguished Association Football – or 'soccer' – from rugby football. After initial years of management by trial-and-error, the FA became a limited liability company in 1903. Besides owning England's famous Wembley Stadium, the FA is also responsible for the English national team, the FA Cup, the Football League and all other youth, women and men's football.

The FA administers regional football activities through 43 affiliated county associations; but the Football League – that is, the Championship, League One and League Two – is self-governing. While the FA has no direct control over England's world-renowned Premier League, it retains veto power over the choice of its chair and chief executive. All professional English football clubs are affiliated to the FA, but are entirely independent, illustrated in their increasing foreign ownership. Besides the above activities, the FA also runs other football competitions and activities across the country.

FA-managed activities and related sponsors

The FA's largest asset is the Wembley Stadium, contracted to generate UK£ 570 million from local and overseas TV rights between 2008 and 2012. England international matches and FA Cup games had a turnover of UK£ 240 million by December 2007. The significance of revenues from international matches is reflected in the FA's estimated loss of UK£ 5 million due to the failure

to qualify for Euro 2008; but the revenue loss to the whole country would obviously have been much bigger. Besides these sources, FA activities also receive extensive corporate sponsorship. Effectively, the FA does not rely on gate-fees at league matches, as these revenues remain in the hands of the clubs, which own and maintain their own stadia.

In administration terms, the FA had six presidents in the seven decades between 1863 and 1939, the longest tenure being the 33-year one between 1890 and 1923, with the average tenure being nearly 13 years. Since the 1939 onset of the Second World War, the presidency has been ceremonial, going to a member of the royal family, with two tenures being distinguished by their longevity (1939 to 1955, and 1971 to 2000).

Meanwhile, the Association had one chairman between 1890 and 1937, but the turn-over has been greater since the advent of the nominal presidency. For the secretariat, the late 1800s and the entire 1900s saw some long tenure, such as 1870-95, 1895-1934 and 1934-62. Since replacing the secretary with a chief executive, tenures have been rather brief, a possible reflection of growing disenchantment with England's failure to stamp its mark on international football even as it remains a major focus of global club football.

Two anecdotes drawn from the English history of football management probably point to the basis of the successful management of the sport in that country, notwithstanding the lack of international trophies. On Middlesbrough's relegation at the end of the 1854/55 season – some sixteen years before the inception of the FA, one player turned

down an irregular UK£ 3,000-offer to switch clubs, but resigned from playing rather than name the offending club. On refusing to name the club after returning to football a few years later, the player was banned for life. In another instance, 1905 saw Manchester City's manager fined UK£ 250 and banned for life for irregularly paying players an in-kind premium of UK£ 4.

Croatia

Similarly, in Croatia, Brazilian player Amauri Vicente de Jesus Junior refused bribes to rig his team NK Medjimurje's matches by playing a bad game, unlike some of his less ethical team members. Anti-corruption officers said that although receiving an offer of several thousand Euros he refused and forced other team mates who had already accepted the bribe to return the money.

In an operation dubbed "Offside" USKOK agents arrested 20 Croatian and two Slovenians for giving and receiving bribes, with profits of between 150,000 to 300,000 Euros per football game. Amongst those arrested are well-known public figures, including soccer players, coaches and organizers. They are suspected primarily of fixing the domestic games of Prva HNL (Croatian Football League), although there is a possibility that some international matches were also rigged.

South Africa

Organised football in South Africa dates back to 1892. South Africa joined FIFA in 1908, being the first continental African country to do so. The official name of football administration in South Africa has assumed various permutations of 'football', 'soccer' 'association' and 'federation',

partially reflecting the divisions brought upon the sport by apartheid-era experiences.

Eventually, a 1998 revision of one constitution developed an "indissoluble single organisation under the South Africa Football Association (SAFA)." SAFA's operations are guided by its 25-article constitution whose preamble reflects a great awareness of the need to address and remedy the problems that grew out of apartheid, including the fragmentation into independent football organisations against the wishes of the majority of footballers..."

SAFA's constitution preamble acknowledges the role of non-racial organisations in trying to unify football for "a united, democratic, indivisible and non-racial South Africa." The preamble's non-racial society has all people equal before the law with no oppression or gratuitous interference with individual rights, and with access to compulsory and equal education, and adequate residential and recreational facilities. While upholding democracy, accountability and consultation, there would be universal freedoms of association, movement, domicile, ownership of land and participation in economic activity while living in peace, harmony and comfort. These social conditions are considered fundamental for the country's sustainable participation in international sport, including football, and to the sustainability of SAFA.

Article 8 of SAFA's constitution obliges it to "promote, advance, administer, co-ordinate and generally encourage the game of football... in accordance with the principles as laid down in the statutes of FIFA." It further obliges the Association to "settle disputes arising between members or bodies or persons connected directly or indirectly with football within the jurisdiction of the Association."

A framework for better football management

The above limited review of global experiences in football management has shed light on some fundamentals for successful initiatives. The English experiences of the mid-1800s emphasise the need for appropriate legal and institutional frameworks for managing the game. The experiences highlight the fact that the development of such frameworks should not be taken for granted; that the process can instead lead to a parting of ways should ideals diverge.

The FA's experience further highlights the need for good governance based on adherence to established frameworks. Since FIFA Statutes provide

the framework for football management in 208 countries, it is imperative that FIFA itself practices good governance for it to demand accountability from affiliated confederations and associations.

Good governance at the global and national levels secures resources: it facilitates prudent management of often scarce local resources, such as gate takings; attracts local corporate sponsorship; and also attracts international sponsorship, such as those from FIFA. In turn, adequate resources provide impetus for sustained good governance. These circumstances create the environment to fully exploit football's capacity for leisure and employment, and offer avenues to enhance national cohesion and development, such as envisaged by SAFA's constitution.





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