

a news service from transparency international-kenya

Transparency International is a non-governmental organisation solely dedicated to increasing government accountability and curbing international and national corruption. Material from this publication may be reproduced and disseminated free of charge provided TI-Kenya is acknowledged as the source.



## THE EVOLUTION OF BAD GOVERNANCE IN KENYAN SPORTS

Over the years, sport has evolved into a multi-billion dollar industry worldwide especially in Europe and the Americas. It has become an important sector of the economy, contributing a significant percentage of the Gross Domestic Product. The development of football has been phenomenal especially in Europe, and was valued at \$216 billion in 2002.

In Kenya, it has scarcely been the aim of sports associations' officials to make it possible for sportsmen and women to get their fingers into this huge pie.

Today, corrupt sports administrators enjoy massive benefits from sports at the expense of sportsmen and women, many of whom live and die in crushing poverty.

In almost all sports, officials earn a living by simply getting elected to the associations where they sit back and enjoy trips to international congresses and the accompanying allowances.

For this reason, many sports associations in areas such as swimming, hockey, athletics, cricket, and even the National Olympic Committee of Kenya (NOCK), have had the same officials for over 10 years, some for over 20 odd years! With constitutions that have numerous loopholes, it has not been difficult for them to perpetuate themselves in office.

While the difficult prevailing economic conditions have contributed to the poor standards in local sports, it is also true the situation has been aggravated by selfish administrators who have used these organizations purely for self-aggrandizement without regard for rules and the welfare of the players, let alone the good of the sport.

***There have been numerous bribe allegations by athletes to officials to secure places in international competitions.***

Think of any sport, and controversy, political intrigue and corruption easily come to mind. In athletics, Kenya's most lucrative individual sport, the defunct Kenya Amateur Athletics Association (KAAA) and more recently, Athletics Kenya (AK) regularly face allegations of partiality in selection. There have been

numerous bribe allegations by athletes to officials to secure places in international competitions. The story is no different in volleyball, hockey, cricket, netball and boxing among others.

### FOOTBALL: A CASE STUDY

In most of sub-Saharan Africa, football is the most popular sport. The responsibility of managing this popular sport in the country rests with the Kenya Football Federation (KFF) whose problems have received a lot of attention.

The history of KFF is punctuated by claims of corruption, abuse of office and financial mismanagement. KFF was formed to replace the pre-colonial Football Association of Kenya and former opposition leader Kenneth

Matiba was its first chairman. Matiba's is the only KFF administration which passed the test of corruption and inefficiency. All the others have had to contend with charges of enriching themselves at the expense of the game.

In September 1979 there were allegations of gross financial misappropriation and disregard for procedure in KFF. This marked the beginning of financial and administrative management problems. Six months later, the executive committee was suspended and a committee headed by lawyer Sharad Rao constituted to investigate the federation's activities. The committee completely exonerated the Matiba regime of any wrong-doing as far as management of KFF funds and administrative matters were concerned.

pg 2

### *In this issue...*

We look at corruption and mismanagement of football, the events evolving around the current stalemate and the way forward for the sport in Kenya. It includes an article on the politics surrounding the venue of the 2006 World Cup, and the experiences of a field researcher on the Kenya Bribery Index 2004

## ...bad governance in Kenyan sports

Cont'd from pg 1

Again, accusations of financial mismanagement in 1988 led to the dissolution of KFF and a caretaker committee led by former assistant minister Adams Karauri took over. But the executive committee reclaimed the positions when new elections were called in 1992. The 1996 elections saw Peter Kenneth's team with Sam Nyamweya as secretary general take the helm. The current executive swept into office virtually unchallenged in 2000.

### NATIONAL TEAM AND CLUB PERFORMANCE

Despite many changes in the management of football, Kenya's performance both at club and international level remains pathetic. Kenya has only one African club title (Gor Mahia's African Cup Winners Cup win against Espérance in Nairobi in 1987) and five appearances by Harambee Stars at the Africa Nations Cup finals to boast about.

The 2004 African Cup of Nations finals in Tunisia in January where Harambee Stars finally got a 3-0 win against Burkina Faso is Kenya's most successful outing in Africa. Even though the KFF incumbents would like to harp on it as a positive point in their tenure, the chaos in the domestic game have marked the current executive as the most inept administration KFF has ever had.

*Today, corrupt sports administrators enjoy massive benefits from sports at the expense of sportsmen and women, many of whom live and die in crushing poverty.*

### KFF FINANCES

KFF has always relied on gate receipts and funds from participation fees and player's cards to finance its activities. Years back there were government grants. Presently, gate collections are extremely low due to poor attendance, leaving KFF to survive only on grants from FIFA under the Finance Assistance Programme.

That KFF has never been able to profitably sell the rights for league or the cup competitions even when the game was pulling in big crowds points to the calibre of managers Kenyan football has had. There was such an attempt in 1995 in a deal brokered with BAT, SmithKline Beecham, Kenya Breweries, Kenya Broadcasting Corporation and the KFF but the arrangement was so skewed and benefited everyone else but the players.

### POLITICS AND KFF

The problems of Kenyan football stem from the fact that KFF management positions have always been seen as a means to attain political office, as opposed to development of football, and the list of those who have made their way to politics is long.

Because KFF is a means to other things rather than an end, there is always lack of commitment by its officials to long-

term vision and development planning. This may explain why KFF elections are always more of a political process than a simple headhunt for capable managers to help the game grow. It is those with political guile are cunning and have money to buy their way around who get into KFF office. Such people will be voted in along with their line-up which usually just comprises hangers-on and sycophants. After being elected into office, the conspiracy continues. Because many of the members of the national executive committee owe their allegiance to the chairman, none of them dare blow the whistles. The fall-back would be the national governing council comprising the top three elected officials (chairman, secretary, and treasurer) from every branch, which should check against the excesses of the executive, but in most cases is manipulated and used as a rubber stamp by the executive committee.

### KFF, PROBLEMS AND IMMEDIATE ISSUES TO ADDRESS

The problems facing Kenyan football are many but resolving some basic ones will help put the game back on its feet.

**Two leagues:** The breaking away of the 10 top clubs from KFF to run their own league marked the lowest point in Kenya's football. It strangled whatever little interest the game still attracted. It is the inability of the national governing council to check the excesses of the

executive committee that led to the split of the league into two groups. While the KFF is coming up as a transparent, accountable and efficient outfit and attracting some financial support from some local organizations, it is yet to attract spectators. The end result has been absolute lack of passion and competitiveness in these matches.

**Government leadership:** Apart from lack of committed, responsible, efficient and visionary management, Kenyan football also needs committed and meaningful government involvement.

**Lack of government investment:** There has been little form of government investment in sports for decades. Worse still, the government has been unable to provide a policy framework for the development of sport in general and football in particular.

**Lack of basic infrastructure:** Basic requirements for football such as pitches, balls and coaching are still beyond the reach of many young people and have affected the development of the game.

**Poor media coverage:** Local football receives inadequate coverage from the local mass media whose main focus is the European Champions League, the English Premier League and anything else but the local game.

## ...bad governance in Kenyan sports

Cont'd from pg 2

**Lack of development programme:** Without a youth development programme, it is difficult to nurture new, young talent to the national and international events.

### REMEDIAL MEASURES

**Sports policy:** The government should formulate and implement a national sports policy

**Strengthening of school sports:** As a way of talent spotting and development, the Ministry of Sports in conjunction with the Ministry of Education should revive primary school football competitions and strengthen the secondary school championships. Strong primary and secondary schools competitions will supplement the KFF youth development programme when it finally gets underway.

**Legislation:** The government must provide legislation that will help the game grow. Lack of funds is one of the main problems and sports lotteries have been identified as one of the best ways to raise money for sports development. However, there is need to amend Section 38 of the Betting Lotteries and Gaming Act which requires that any other organization wishing to run a lottery must be incorporated by law. The Kenya Charity Sweepstake is the only lottery allowed by law to operate in Kenya.

**Access to infrastructure:** There must be a deliberate move to make access to quality football grounds for many Kenyan youngsters. The few dusty pitches on which many Kenyan

youths play are a setback in the efforts to develop the game. The government should make it mandatory for housing development companies to provide fully developed playgrounds with every new housing estate.

**Media support:** Any plans to revive Kenyan football must include media support. A live telecast of an English FA Cup match will attract more prime time advertisers than a top-of-the-card KFF Premier League clash. The media must be involved in improving local sport like it has done on the local popular culture scene where local artistes enjoy a lot of media coverage.

**Prosecution of offenders:** Although the history of KFF is replete with many claims of misappropriation of KFF funds, there have not been any meaningful investigations and prosecutions of those involved. It is important that the government makes a good example of anyone involved in the financial misappropriation by thoroughly investigating the current officials and taking legal action if necessary.

**One league:** There must be only one league to make it easy to publicize and attract support from potential sponsors.

**Corporate support:** Corporate support for sports development should be sought on the basis of partnership, not sponsorship. Corporate organizations have a lot to gain in any association with well-run sports, and the relationship should be one of mutual benefit to both parties.

## SECRET POLICE WIN WORLD CUP - AGAIN

By Andrew Jennings

International football is on the brink of committing the most shameful act since it gave the 1978 World Cup to Argentina's murderous military junta. On May 15, the International

Federation of Football Associations (FIFA) is expected to hand the staging of the 2010 tournament to Morocco, a country with its own "disappeared," victims of an ongoing 30-year war to subdue Africa's last colony.

After enraging a whole continent by giving the 2006 World Cup to Germany rather than South Africa, FIFA promised an African nation would play host this time around. Morocco is the hot favourite, ahead of South Africa despite the Mandela factor and superior facilities, and way ahead of the rest of the field, Egypt, Tunisia and Libya.

An unparalleled festival of sport, the world's biggest TV event, the World Cup is an astonishing gift to any country. To Morocco, it would be a propaganda miracle, a chance to suppress dissent at home while winning friends abroad and burnishing its image in the world.

Morocco has much to hide, a dirty war against the Western Sahara which it invaded 30 years ago, laying more than a million landmines, napalming villages and driving nearly

200,000 women and children into refugee camps in the scorched Algerian desert.

The world's media has lost interest since an UN-brokered cease-fire in 1988 between the army and the freedom fighters of the Polisario liberation front. But Morocco's abuses go on. Amnesty International, still campaigning for the victims of Argentina's junta, attacked Morocco in January for holding "dozens" of political prisoners "allegedly tortured in custody to extract confessions."

According to the exiled government of the Republic of Western Sahara, Morocco has blocked attempts to hold a referendum on integration or independence and flouted an International Court of Justice ruling by licensing drilling rights to major oil companies.

The war, driven by the royal household of King Mohammed VI, has brought little reward to the people. One in twenty get by on less than a dollar a day and half the 31 million population are illiterate. Poverty has bred extremism. The city's most squalid slums were home to five young Islamic terrorists who immolated themselves and 45 victims in suicide bombings aimed at Jewish and other targets in Casablanca less than a year ago.

## Secret police win World Cup...

Cont'd from pg 3

Morocco has its own apartheid scandal, practicing cultural genocide against the Berber people who make up a third of the population and whose language, Tamazight, is under threat. The secret police arrest and expel foreign reporters suspected of investigating corruption among Morocco's elite, the makhzen.

The World Cup promises a get-richer-quick bonanza for the coterie of businessmen and generals who are the power behind Morocco's throne. Leading their bid is silver-haired banker Saad Kettani whose links to his king tightened last autumn when he sold his bank to a trust owned by the royal family. Commentators say this concentrates most of the banking industry in royal hands, along with crucial stakes in other major industries.

To divert attention from Morocco's human rights record Kettani and his PR team have dreamed up "Football without Frontiers", a pledge from the royal family to spend USD200 million of their personal fortune combating poverty and terrorism in the rest of Africa - if they get the event.

"There is a lot of support for this already in Africa and in the Arabian Gulf", Kettani claimed to reporters invited to Casablanca by the bid team. Giving the event to Morocco will "contribute to peace and stability in the world." It's been a success. Credulous reporters now gush about "Football Without Frontiers" blind to Morocco's shameful frontier, the 2000 kilometre sand wall or "berm" that encloses the pacified portion of the country.

The Morocco bid's appeal might have been limited to the Muslim world were it not for Kettani's masterstroke, recruiting a man called Alan Rothenberg as consultant to the team. Rothenberg, aged 64, a Los Angeles lawyer, is regarded as the most influential networker in international football. His friend President Blatter has entrusted him with some of football's top jobs. Rothenberg trousered USD 7 million for organizing the World Cup in America in 1994, chaired the FIFA committee that inspected and evaluated Morocco, South Africa, England and Germany for 2006. He is on the organizing committee for 2006.

As well as intimate connections at the very top of world football, Rothenberg is friend to the leading sponsors who have a powerful but unobserved influence over the FIFA men who decide where the World Cup is played. Rothenberg is especially close to Adidas and Coca-Cola, to Budweiser, Gillette, MasterCard, and McDonald's. His fee is thought to be USD500,000, rising to USD1 million if Morocco win. And he's betting his own money on victory, with a stake in Casablanca's newly opened Rick's Bar.

Rothenberg is a brilliant ambassador for Morocco. Life may be tough for Berbers, the poor and Saharawi refugees but

Rothenberg sees only tolerance and enlightenment. "They know I'm Jewish, and I think it speaks volumes about what a special place Morocco is; it's a beacon of light in the Muslim world," he says.

Saudi satellite mogul Sheikh Saleh Kamel is another ace in Kettani's pack, a billionaire with strong Morocco ties, extremely influential, and a close friend of President Blatter.

Kamel's Arab Radio and Television network stretches from the Atlantic to the Gulf, sponsors the Arab Champions' League, and owns regional rights to the English Premier league, the German Bundesliga and the 2006 World Cup. Like Murdoch, Kamel is pained by free-TV. "If we don't give the poor free bread," he asks, "why should we give them free premium matches?"

When Blatter barnstormed through eleven African nations in 2002 campaigning to retain FIFA's presidency, his Gulfstream came courtesy of Kamel. According to German news magazine Spiegel, Blatter personally introduced Kamel to the Swiss-German In Front company, owner of world TV rights to 2006. Kamel now holds a 20% stake.

Success for Morocco's bid means success for Kamel. He has a half share in an oil drilling venture partnered, reportedly, by royal family members and Morocco's chief of military police, and a second home on the Atlantic at Agadir where he is building a web of tourist villages with space for 23,000 visitors and marina and golf course. Kamel's next target? Global TV rights to the World Cup, "for evermore," he says.

The location of the World Cup may be a matter of heartstopping importance to fans all over the world, but the decision is taken by 24 men, the FIFA Executive Committee, for whom standards of conduct are a matter of personal choice. Players, clubs and match officials can be fined and banned by FIFA but there is no code of conduct for its highest officials, no ethics committee to scrutinize them and no penalties for bad behaviour.

Well-informed speculation at the congress of African football associations in Tunis in January had it that one member, linked to many bribery allegations, has been touting his vote for USD1 million - plus another USD10 million to share among other members whose votes he says he controls.

The example from the leadership is not inspiring. Blatter himself became president in 1998 in an election tainted by allegations of vote-rigging, bribes and fraud. One absent voter, from Haiti, was impersonated by an assistant to FIFA vice-president, Jack Warner of Trinidad. The official video shows him depositing the stolen vote in the ballot box.

---

***As well as intimate connections at the very top of world football, Rothenberg is friend to the leading sponsors who have a powerful but unobserved influence over the FIFA men who decide where the World Cup is played***

---

## Secret police win World Cup...

Cont'd from pg 4

A year ago, Blatter said he would investigate. Nothing more has happened and since then confidential documents have emerged revealing Blatter approving FIFA contracts going to Warner and his family businesses. Two years ago, Korea's Dr Chung Mong-Joon, a highly regarded vice-president, alleged that FIFA's sleaze was worse than the corruption scandal that engulfed the IOC in Salt Lake City. His request for an investigation was rejected.

Set against Morocco's human rights record, its bid is pretensions to fight poverty and terrorism ring hollow. Football, the game itself, may perhaps be a force for peace,

but not as played by the men who control it. FIFA is dominated by rich men with poor memories. The senior vice-president, Julio Grondona, was asked last July on TV why there were no Jewish referees in his country's premier league.

The 72 year old Argentinian replied: "I don't believe a Jew can referee in the premier because it is difficult work and Jews don't like to do that." Reminded of the terrorist bombings against Jews in Argentina in the 1990s, when 115 people died and more than 500 were injured, Grondona grudgingly apologised.

The views expressed in this article are solely those of the author

## THE HALLMARK OF PROSPERITY IN KENYAN FOOTBALL: THE ROLE OF GOOD GOVERNANCE & TRANSPARENCY

By Prof. Michael Boit

The Honourable Minister for Gender, Sports, Culture and Social Services in response to repeated public demands appointed an all inclusive Stakeholders Transitional Committee (STC) to streamline the management and organization of Kenyan Football for an interim period of three months. Since the KFF term of office lapsed, a vacuum had been created and with the public hue and cry the Minister's action to save the situation was both appropriate and timely.

In the terms of reference, the Minister called upon the STC to run the affairs of the Kenya Football Federation that includes the nationwide leagues, the premier leagues and the national team preparations; to examine and harmonize the earlier drafted constitutions, make necessary alteration and add fresh input to make it relevant and responsive to current trends in football management and administration; and to call for KFF elections, having resolved the major issues to ensure a level-playing field for free and fair election for all contestants.

The objective is to ensure that the elected officials will comprise people of integrity, impeccable character and genuinely interested in the development of football in this country. Previously, aspirants have used football as a stepping-stone into politics or other careers totally unrelated to sport development. The hidden motives of such aspirants have been to loot the sport for personal gains and ambitions. This time around, Kenyans are very determined not to allow this state of affair to continue and hence the repeated calls by the public through the media for government intervention in order to save the situation.

The STC has a formidable task and a very short timeframe. However, it is determined to move swiftly and decisively to end years of corruption in football, to instil the virtues of good governance and transparency and to address pertinent issues ranging from corrupt practices to lack of security and funding for sports. In order to achieve the

objectives spelt out in the terms of reference, it will be necessary to look at football management and administration in terms of structural mainframe and set targets to be accomplished by the elected body based on the established main structure. There are already in existence some structural organization frameworks that have been proven effective and efficient in the promotion of good governance, transparency and accountability elsewhere. It will not be in the interest of the committee to reinvent the wheel where it is absolutely unnecessary. In terms of how to manage the leagues, the South African or the British models could be used as guidelines in the formation of a model tailored to meet the Kenyan requirements.

The junior development programme, which is in essence the cornerstone of any sport development, is currently non-existent in Kenya yet funds donated annually from the international federations meant for junior programmes, women programmes and grassroots development in general are never accounted for. Among the top football nations like Britain, Brazil and Germany, the junior development programs are always in the top of the agenda because they provide a vital reservoir for talent identification and development.

The committee will also look at how women football can be promoted. African women have better chances for success at international competition than men. A good example is the Kenyan Women Volleyball team that has participated at international competition on several occasions. Women football should also be given the priority as is the men's teams. Evidently, women's football has not been prioritised in any development strategies and the transitional committee will also look into this area.

STC's suggestions should be to establish strategic plans using available resources in order to tap sport talent throughout the country. This is a popular approach being used extensively by most countries that have become world powers in football. There is no reason why Kenya cannot adopt the same policy. As



## ***The hallmark of prosperity in Kenyan football...***

*Cont'd from pg 5*

already pointed out, lack of junior football programs must be blamed on lack of forward planning, bad governance and lack of accountability.

The largest source of sport funding throughout the world is corporate support in terms of sponsorships. The ability to attract corporate funding is certainly tied to good governance and accountability. Where there is rampant corruption and lack of accountability, no corporate would be willing to invest funds in such an organization. In addition, national and multinational corporation sponsorship decisions are generally motivated by the desire to gain mileage in publicity. The more successful the programme the more it can attract corporate sponsorship. However, sports riddled with corruption perform poorly and receive negative publicity. Consequently, no corporation wants to be associated with mediocre sports performance and negative publicity. It is therefore not surprising that the previous Kenya Football Federations only attracted few corporate sponsors who later abandoned them leaving FIFA as their main source of funding.

As a result, major clubs broke away to form two leagues with the former National Federation running the weaker league. The STC has already made strategic plans to harmonize the warring groups using a formula that will be acceptable to all parties involved with a view to having one league by the beginning of the next season. With proper administrative structure and maximization of all sources of generating revenue, football is a sport that is easy to market and has immense potential for a lucrative career for top players. It is an industry of national significance with potential to sustain itself. And apart from sponsorship funds through corporate support, the transitional

committee will look into other potential and sustainable sources of generating funds and make recommendations accordingly. As a result of the above problems created by the former KFF and the subsequent sense of apathy that permeated all the categories of football lovers, the attendance dwindled to its lowest level drastically affecting gate collections as one of the potential sources of generating revenue. In addition, lack of a systematic and efficient security measure has been one of the factors contributing to low attendance at football matches. The transitional committee will look into all these issues and make the recommendations accordingly.

FIFA representatives did not meet the transitional team. The STC would have liked to give them its side of the story. However, it expected them to be biased in favour of the former football federation in view of the fact that they also head national federations. The most important fact, however, is that it is the sole responsibility of the Kenyans to initiate and implement the right sport policies for its citizens and we cannot rely on outsiders.

It is in the interest of FIFA and other world sports bodies that a conducive environment is provided for sports to thrive and prosper. This cannot be achieved where the sports management is riddled with massive corruption and lack of transparency. As a result of the current information revolution, the entire world has been reduced to a global village. Information revolution has also made it easier to expose corrupt practices. Any organizations that appear to condone bad governance and corruption can easily be brought to public scrutiny. It is our hope that FIFA will find it wise to heed the call from the Kenyans and respect their decision in the clean up exercise in order to elect a body that will help the sport to flourish.

## POLICY COULD REMOVE MURK FROM KENYA'S SPORTS GOVERNANCE

If Sports Minister Najib Balala's pledge to push a bill through parliament streamlining the management of sport in the country comes to fruition, it could well be the best way forward for Kenya.

Gross mismanagement of funds and wanton abuse of office has been the hallmark of the country's sport lately with the Kenya Football Federation (KFF) topping the list of the country's worst-governed federations.

Since the Narc Government assumed office, efforts to curtail mismanagement of sport have been markedly more aggressive although little solid progress has been made in the absence of a Sports Policy.

Stakeholders' forums have already given their views on the matter and a Draft Sports Policy Paper prepared, now awaiting parliamentary approval.

Most significantly, the policy seeks to control terms of office to curb selfish intentions of officials who never seem eager to hand over office and who avoid accounting for revenue generated by their associations or grants received from international federations and other donors. It seeks to uphold good governance and ensure accountability in the country's sports management.

**Transparency and accountability:** The policy paper is out to ensure transparency and accountability in the management of sports revenue by putting in place several checks and balances in accounting institutions. Such measures include giving the Kenya National Sports Council (KNSC) sharper teeth, a more active watchdog's role and sifting through the credentials of officials in positions of responsibility.

The measures outlined in the proposed Sports Policy suggest that:

- a) the KNSC conduct a periodic inspection of books of accounts of all its affiliates
- b) all sports organisations form active finance committees to manage their finances
- c) only qualified personnel be recruited by all sports organisations
- d) the government, through the KNSC and the Department of Sports in the Sports ministry provide staff to support gate collection exercises
- e) members of associations' executive committees be trained in financial management and maintenance of books of accounts,
- f) all sports associations open and maintain bank accounts and books of accounts which shall be open to scrutiny by legitimate members, the KNSC and Department of Sports upon demand
- g) all sports associations submit their audited accounts reports during their annual general meetings to ensure transparency

The new regulations are largely because some associations have been running as one-man operations with no change of office,

thus stunting their development and leaving a lot of room for financial impropriety.

Most significantly, the policy sets out to streamline the management of sports organisations to ensure that they comply with codes governing them. It seeks to legislate this by, inter-alia, ensuring that associations:

- a) adhere to a four-year term of office
- b) have their elections supervised by the KNSC
- c) hold their annual general meetings not later than 31<sup>st</sup> March every year.

The policy, in Chapter 3.6, stresses the need to have comprehensive sports development plans "to guide their operations towards improved participation, financial management, coaching, officiating, event management and sports science facility development."

The policy also seeks to set into motion a fund-raising machinery, whose highlight will be a sports lottery run by the Kenya National Sports Council, and also to mobilise several fund-raising boards.

With the Finance Ministry introducing a duty waiver on imported sports goods in its budget for the current financial year, unscrupulous officials quickly saw this as a loophole where they can personally import sports equipment for sale. But the Policy seeks to control such imports by ensuring that tax waivers or deductions can only be validated if they are conducted through the KNSC. The council would also ensure that such imports are not for business purposes but to assist sportsmen and women in enhancing their performances.

The draft policy also seeks to give the KNSC more powers over national associations. It sets out the council's main roles as to include:

- a) enforcement of discipline in sports organisations in line with the guidelines of their constitutions
- b) inspection of audited accounts
- c) co-ordination of financial requests from sports organisations to the government

KNSC's most important role at the moment, under the policy, would be to ensure that associations follow their constitutions to the letter and adopt acceptable arbitration machinery.

KFF tops the list of associations that continue to flout their own constitutions and seek mitigation from international federations, which seem not to have an iota of respect for government authority. It has been the KFF's tradition to invoke Fifa's doctrine of "no government interference in soccer management in affiliate federations" whenever confronted by accusations of abuse of office.

## ***Policy could remove murk from Kenya's sports...***

*Cont'd from pg 7*

And in most cases, the federation has succeeded in shielding itself under the Fifa umbrella, just as they seek to do in the current stand-off between the executive committee and the Minister for Sports.

To side-step such mischief, the draft Policy seeks to develop an "ultimate, authoritative and neutral dispute resolution mechanism" by ensuring that:

- a) each National Sports Organisation adopts arbitration as a means of resolution of disputes that may arise within its ranks
- b) KNSC establishes an Arbitration panel that shall be the final neutral and authoritative organ to resolve disputes from sports organisations and evolve a jurisprudence of Kenya Sports Law
- c) all federations and associations submit to the jurisdiction of the KNSC Arbitration panel and abide by its decisions which shall be final.

### **Flouting constitution:**

It would seem that making associations adhere to their constitutions would be the Sports Policy's key priority area, given the experiences in Kenyan sport where associations blatantly flout their own constitutions without facing any sanctions.

The current KFF executive has made over 20 violations of its 21 articles.

For instance, Article 1 (A) of the KFF constitution clearly sets out that the headquarters of the federation shall be situated in Nairobi at the Nyayo National Stadium. However, the federation currently operates an office at the Vision Plaza, away from the Nyayo National Stadium having been locked out of their stadium offices by the government following allegations of financial impropriety.

The KFF constitution is also clear in Article V (A) (I) that "no person shall be eligible for the position of the chairman, the secretary or the treasurer unless such person is ordinarily resident in Nairobi or resident who owns/rents house in Nairobi." But the federation's treasurer is resident in Mombasa and the secretary in Embu.

The KFF constitution in several Articles invokes the role of the Kenya Football Referees Association although the KFF continues to disregard this body of whistlers. Their efforts to force constitutional amendments down the throats of its delegates proving unsuccessful, KFF's executive committee is clinging on an article in the constitution that holds them in office until April 30 and have totally refused to vacate office despite numerous court rulings against them.

While Article IX (B) (I) stipulates that "The (KFF) Annual General Meeting shall be held not later than 30<sup>th</sup> April each year" (with elections every fourth year), a High Court ruling in Mombasa on April 8, inter-alia, ordered the arrest of the Chairman, the Secretary and the treasurer "for persistent disobedience of court orders."

Part of Justice J.W. Mwera's April 8 ruling read: "There is no great fun or pride in having a constitution, whatever the body, that cannot be adhered to. Such conduct merely breeds chaos as now seen in KFF for whatever reason or motive."

The ruling adds: "The culture of being governed by a group's own rules and regulations as required and mandated must be seen and nurtured in any facet of a community's activities."

### **Fifa sanctions**

Following the confusion in the country's soccer management, the world soccer governing body, Fifa, sent two of its officials on a fact-finding mission to Kenya.

The two officials – Taha Ishmael and Joseph Mifsud – were also to oversee KFF's elections initially scheduled for April 10 but put aside by a High Court ruling.

Things were further complicated when Balala appointed a Transitional Committee to run soccer in Kenya and manage the transition to new elections, much to the chagrin of Fifa which does not countenance government interference in the management of soccer within its affiliate member countries.

With the government insisting that the executive is dissolved and that the Transitional Committee headed by former sports commissioner and Olympic track medallist Mike Boit is in charge, Fifa is likely to hand out a heavy penalty to Kenyan soccer.

Traditionally, such conflicts would attract three-year suspensions and, in this case, Kenya would be locked out of the qualifiers for the 2006 World Cup finals which also act as qualifiers for the 2006 Africa Nations Cup finals.

Kenya's clubs would also not be eligible for continental competition and Fifa's multi-million Kenya Goal Project which, most significantly, funds the construction of a KFF head office and soccer academy, would go up in smoke.

However, Fifa has been known to have serious administrative flaws and there is a distinct possibility of the world body buying time and letting Kenya off the hook, for a short while.

Why? Because the Fifa Congress that will vote for the host country for the 2010 World Cup finals will be held next month in Paris. Losing the Kenyan vote is the last thing Fifa want given the country's influence in East and Central African countries' voting behaviour at Fifa Congresses.

And with the region enjoying 11 voting affiliates of Fifa, the world body will tread very carefully on the way to resolving the KFF crisis.

A heavy ban at the moment looks highly unlikely, but at least not before the crucial Fifa Congress in Paris.

## RED CARD FOR CORRUPTION IN SPORTS?

*By Edwin Gichangi*

Transparency International-Kenya on 2<sup>nd</sup> April 2004 facilitated a sports forum titled, “Red card for corruption in sports? Reforming sports management in Kenya” which aimed at addressing various ills affecting Kenyan sports in general with an emphasis on soccer management in the country.

In attendance were members of the Kenya Football Federation Stakeholders Transition committee, Dr. Mike Boit and Bob Munro, KFF General-Secretary, Hussein Swaleh, veteran footballer, Joe Kadenge and businessman Manu Chandaria among others.

Key issues affecting sports in the country were highlighted, which included: inadequate remuneration to sports persons, lack of professional input in the management of sports in the country and financial constraints, lack of transparency in the management of sports as evidenced by failure of auditing KFF books of accounts and sharing the edited figures with constituent clubs.

Participants decried the politicization of soccer, with official positions often serving as a springboard into national politics rendering the KFF electoral structure prone to abuse and political interference. Subsequently, Kenya has not performed as well as it could have done at national and club levels.

One of the participants noted that for many years, Kenya has shown itself to be ‘a powerhouse - a force to be reckoned with’ in the area of athletics, but not so much in football. Kenya has the potential to become a leader in sports and is endowed with talent in several areas including soccer.

He pointed out that one way to prepare is to have sufficient funds, and injecting professionalism in the management of sports. He also noted that sport is not only a recreational venture but also an ever-expanding industry that can generate a lot of finances if well managed. It emerged that to make a turnaround, all concerned parties must return to the drawing board and:-



*Munroe: Kenya Football Group*

*Boit: Sports Transitional Committee*

*Swaleh: KFF Secretary*

- Focus on issues rather than personalities
- Gain public support
- Consider diverse approaches to views on arising issues
- Look at issues in a professional manner in terms of sports administration, establishment, framework and foundation.
- Learn from other countries that are successful in terms of sports performance and management.
- Encourage public ownership to sports issues as sport is a public enterprise



*A section of participants at the forum: many had an issue to raise with Swaleh*

KFF was blamed for the poor performance of soccer in the country, noting that money collected as gate levies during matches were never accounted for and that the quests to have the KFF books of accounts audited have

been frustrated by the KFF officials.

The forum was informed that the KFG had written complaints to Confederation of African Football (CAF), the International Federation of Football Associations (FIFA) and the Sports Council but had not received any response.

According to the group, in the last 3 years the clubs had written over 30 letters to CAF and FIFA detailing the mismanagement of funds, breach of the constitution and incidences of corruption but no action has been taken so far.

## COMMITTEE TO SALVAGE KENYAN SPORT

*An interview with Prof. Michael K. Boit, Chairman of the Stakeholders Transition Committee and Chairman of Exercise and Sport Science Department, Kenyatta University*

**T**he government disbanded KFF in a bid to reorganize the management of football in the country. What strategy have you put in place to ensure this is achieved? The Stakeholders Transitional Committee set up by the Minister for Gender and Sports, Hon. Najib Balala will come up with the final strategy and proposals that will pave the way forward for the soccer fraternity in the country.

As the chairman of the committee, I am mandated to facilitate its affairs and make sure that the terms of reference are accomplished.

**KFF had for a long time enjoyed sponsorship from Kenya Breweries Limited (KBL) and British America Tobacco (BAT), but after continued charges of corruption and mismanagement the sponsors pulled out. Is there any mechanism to reverse the situation?**

To mention BAT and KBL as the sponsors is a bit sensitive especially when dealing with junior programmes. We are trying to fight against drugs and alcohol abuse among the youth as some of our objectives in molding them into responsible citizens and successful players. BAT and KBL are producers of the drugs and alcoholic products consecutively. We would not therefore encourage either of them to support youth programmes. There are a lot of sponsors in waiting, as evident in the Kenya Football Group (KFG) which has managed to secure a lot of sponsors because of transparent management. Sports is, after all, a major avenue of companies' marketing strategies.

**KFF has been disbanded and a more accountable team is expected to take over the running of football in the country. What proposals do you have in place to achieve this?**

We will streamline the sport by coming up with a blue print with a wide range of recommendations. The kind of management we would like to adapt is like those of South Africa and Britain where we will look at the models and have it tailored to meet the needs of Kenyans. We will not be importing anything or inventing the wheel but using the policies that have already been tested and proven.

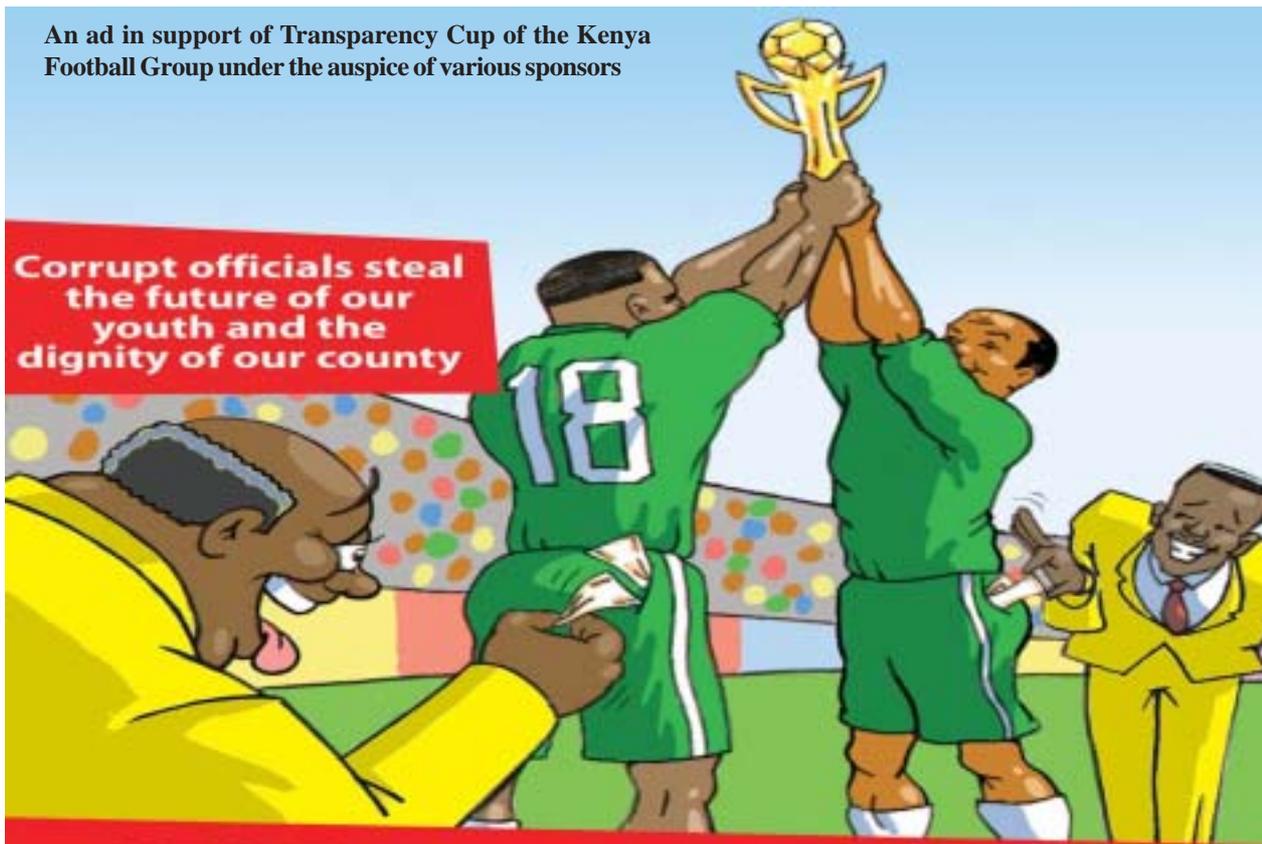
We want to end the use of sports as a spring board into politics. We want to stop voter bribery in KFF elections and create a level playing field for those with genuine interests in the management of sports in this country.

**FIFA representatives were in the country and we are awaiting their decision. What are your expectations?**

The days when FIFA used to go around the world intimidating people are over. FIFA ought to now look at things from a different perspective because sports has equally transformed in the same way as Information Technology. Lack of accountability and transparency in organizations that are insisting in doing things otherwise are putting a rope on their necks. FIFA has a lot of people with good reputation but there might be some who are

👉 pg 11

**An ad in support of Transparency Cup of the Kenya Football Group under the auspice of various sponsors**



## Committee to salvage Kenyan sport

Cont'd from pg 10

supporting corruption. If that is the case then it is time somebody blew the whistle.

In managing the affairs of a sovereign state like Kenya, they cannot dictate what Kenyans should do. It is in the interest of FIFA that the running of football affairs in Kenya is done in a transparent and accountable way. If they are genuine they should be concerned about the development of sports worldwide.

The minister was quite categorical that if FIFA wants to ban Kenya, Kenya is ready. In the past, FIFA has banned countries and those countries have abandoned their national teams and went to the grassroots development and in the end came out very strongly.

Should FIFA impose a ban on Kenya, it is only banning the national team or clubs from playing international matches. The development of soccer will then be ongoing with more funds being allocated to developing junior programmes which in the long run will be more beneficial to Kenyans.

### **FIFA's constitution clearly states that no government should interfere with the running of football. What is the government's position on this?**

We cannot tell people what is wrong in their constitution. FIFA should re-evaluate their policies because corruption to them is least in the scale of tolerance for people who are genuinely interested in sports.

### **What plans do you have for the youth development programme?**

The youth development programme should be given a higher percentage of the budget allocation. This is because we will be dealing with talent identification and talent nurturing and giving opportunity to every talented individual in sports development.

At the Exercise and Sport Science department of Kenyatta University, we are developing sports science which will equip the students with professional skills to innovatively build and develop the sports sector. Research and development go hand in hand and we have to be a literate society to achieve this. A nation that advances in sports must have an educated public.

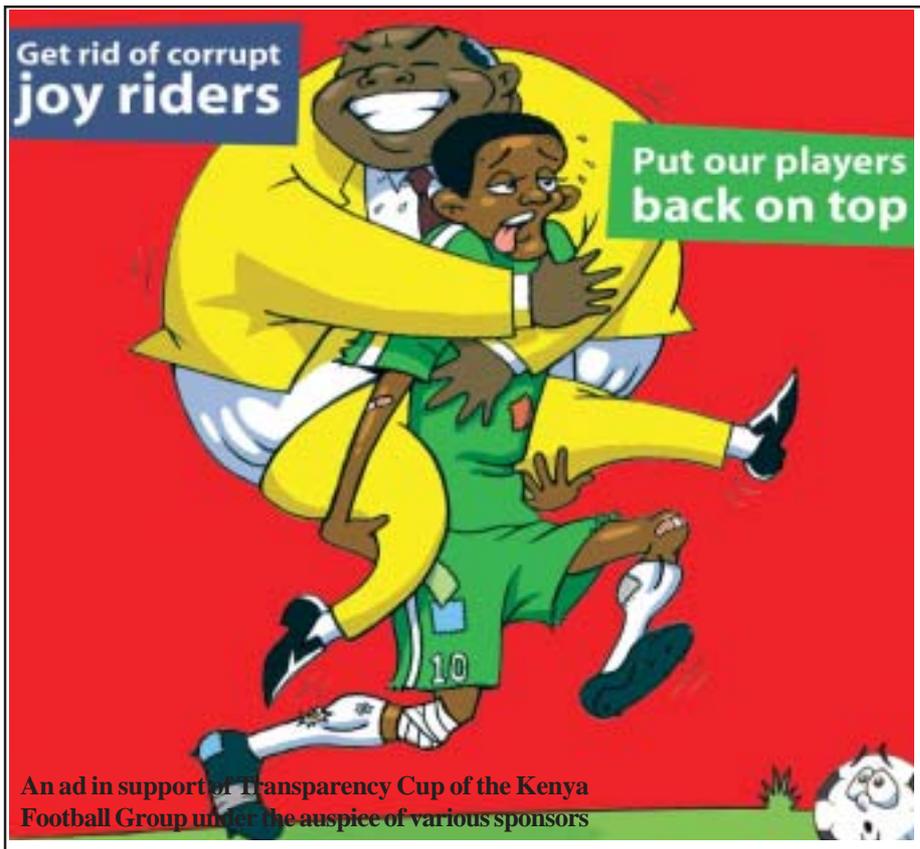
We are also looking at what has been successfully implemented. Some of the countries that have produced successful soccer players have concentrated on their youth programmes and institutions of sports to nurture the talents right from primary level all the way to the top. If we had sports academies spread throughout the country we can capture the talent from every part of the country.

### **Sporting in Kenya lack government support and thus over dependency on bodies like FIFA. What is your opinion on this?**

We cannot rule out government support. When the national team, Harambee Stars, went to Tunisia for the African Cup of Nations early in the year, the government financially supported the team. Federations should source for their own funds through corporate sponsorship and only have government funds as supplement. Already the government is contributing a lot in terms of a conducive environment, infrastructure and provision of law and order.

### **Are the three months enough to accomplish your terms of reference?**

Certainly three months is indeed a very short time to work on this entire problem. The terms of reference are very wide but we will try all the same so that we are not a hindrance to sporting.



## THE FACES OF VICTIMS OF BRIBERY.

*By Judy Omondi.*

Transparency International –Kenya recently published the Kenya Bribery Index (KBI) 2004 that listed the organizations, mostly public, where bribery is prevalent. This index was also an indication of the NARC government's reform programme, its execution and the view of the people of Kenya on its impact, through their respective experiences as they seek for services.

In my experience as a field researcher, collecting data on people's experiences with bribery was not just a mechanical exercise, or a requirement in fulfillment of my terms of agreement with the research agency. I experienced, first hand, the negative impact of corruption and bribery on Kenyans, and especially on the poor, who have been impoverished to the point of not being able to access their basic socio-economic rights such as health and education. In addition, heartless civil servants and law enforcement officers infringed on their rights of association, movement and access to services as they were just out to make a profit and in effect, impose an extra tax, on the overburdened taxpayers.

I carried out data collection in sections of Nairobi and Mombasa. Departments that have been named in previous Transparency International – Kenya Bribery reports and other reports featured prominently in the sample interviewed. These include the Police, Immigration and Health.

In Nairobi, a gentleman of Somali origin complained about harassment by the officers from the chief's camp when applying for a permit for his Somali sword. He said that this is a frequent occurrence experienced by his kinsmen. One of them includes a cook at a local restaurant in Nairobi, who gets off work late in the night and says that he experiences police harassment almost on a daily basis when found in possession of his Somali sword. He is often arrested but does not bribe his way out even when it is explicitly suggested. He has been to court a couple of times because of this.

---

***...the case kept being postponed until he realized that the defendant had paid the court clerk Kshs.5, 000 to have the file disappear.***

A resident of Parklands, Nairobi had a very extraordinary ordeal in the hands of the police at the local station. One day while driving home at around 11p.m., he realized that a particular car was trailing him. He suspected that these were carjackers and therefore decided to drive into the police station. He explained his predicament to the police, but the police decided to hold

his car unless he paid them Kshs5,000. This shocked him but on realizing that they were actually serious and he had no option, they negotiated the fee to Kshs1,000. He did not realize that it took the whole episode close to four hours and he was leaving the station at 3a.m. He said believed that as much as he bribed, this was a clear abuse of office on the part of the police.

Of the Nairobi residents interviewed, majority were youth who had a crosscutting issue with general police harassment within the precincts of their estates, curtailing their freedom of movement.

In Port Reitz, Mombasa, a gentleman who works for a security firm as a casual labourer on contract basis explained that according to the labour laws, casual labourers are supposed to be hired on permanent basis after three years. But that was not the case with his company. People work for several years without their status being upgraded to permanent employment and when they complain they are laid off without compensation. In his case he had to bribe a

labor officer in Mombasa with a sum of Kshs1,500 to obtain his rightful employment benefits, which amounted to a meager Kshs.11, 000. Those who do not bribe do not get their benefits and it is futile to complain since it is a well co-ordinated scheme. He has documentary evidence on all this.

Another resident of Port Reitz in Mombasa lost his left arm after a head on collision with a passenger service vehicle in 2001. This accident has caused him a lot of agony and put him on financial strain since he is incapable of working. He filed for compensation and the case kept being postponed until he realized that the defendant had paid the court clerk Kshs.5, 000 to have the file disappear. With no financial resources to fall back on, or to engage proper legal services, and with no gainful employment, he had no choice but to forget the case and move on with life.

In Malindi, a young mother of one had just began enjoying the benefits of the new NARC regime, whereby health services in government hospitals was free, especially for children below five years of age. The hard part was the prescribed medication. She complained of being referred from one office to another by the hospital personnel. First to get the prescription she paid Kshs50. For the child to be injected, the nurse who was to carry out that task told her to buy the syringe and needle from a fellow nurse and once she obtained them, she would have to part with a further Kshs40 to the nurse administering the injection. To add insult to injury, she was informed that the appropriate medicine in the hospital pharmacy was not

## *The faces of victims of bribe*

*Cont'd from pg 12*

available and she could only buy it from a particular pharmacy. The way she was not given other options of pharmacies where she could compare the prices led her to believe that the pharmacy must be owned by one of her colleagues. Other people interviewed complained of slow, poor service at the hospital. For one to get faster services in government hospitals they had to pay for it.

Traffic police continue to solicit for bribes with impunity. Many people interviewed said that despite the recent crackdown on traffic police officers and the public enthusiasm to expose them that came with the euphoria of the 2002 elections, the officers had just modified the way they receive the bribes. The bribing was now being carried out in amore discrete way.

A matatu driver operating the Mtwapa route said the drivers had been given two choices by the traffic officers on how to make their "payments": Firstly, to fold the money to the smallest size possible and throw it on the ground for the officer to collect it later and secondly, to meet with police officer in a restaurant or a local pub to pay off the money. One is given a ticket to appear in court for the alert public to see and on paying the bribe the ticket is tore off. This led me to believe that they must have a counterfeit ticket book.

Free primary education is a universal right. It was also one of the NARC campaign promises and a major platform on which they won the election. In addition, it is one of those pledges of the government that have been implemented with the seriousness it deserves and probably the most visible election pledge that has been fulfilled. Unfortunately, it has also provided a new avenue for bribery. Several parents at the Coast province complained of being harassed and asked for a bribe for their children to get placement in standard one. Other fees they were required to pay included desk repair and maintenance as well as exam fees. This was rounded off to Kshs 150 per child.

A teacher at a local primary school in Kisauni division in Mombasa was mentioned by a significant number of parents interviewed and accused of "helping" parents get standard one placements for their children by receiving bribes of varying amounts. Many parents and residents had never reported this to any education officer.

Immigration officers, despite the common public knowledge of the rampant corruption that exist in this crucial government department, continue to take bribes ranging from Kshs 1500 to Kshs10, 000 depending on how fast you needed your passport processed or renewed. A Kenyan male of Asian origin resident in Mombasa claimed he paid Kshs. 5,000 to renew his passport. This amount was not receipted and was paid on top of the normal passport charges.

In Coast province many women engage in making local brew called 'mnazi'. This trade has been a bone of contention amongst the locals, the law enforcement officers and the politicians and also determines whether one gets elected or not. It has since been legalized but selectively enforced. The women have been harassed for a long time by policemen and the latter have entrenched themselves in the chain of events and consistently draw an amount from them. An elderly woman said that this trade was her only source of income and it pains her to have to pay Kshs 100-150 daily to policemen. She claimed that they know the policemen by face and name and that they even come for their collection in arrears.

Finally, the Provincial Administration continues to demand payment in-kind for regulatory services. Respondents in Kwale District complained of a particular chief who made it a requirement for residents to dig his *shamba* before embarking on the process of getting a National ID. They also accused him of harassment before getting their ration of relief food.

In Kilifi District, Bahari constituency, a 58-year-old man said he required a permit to cut down a tree in his compound as

required by the law. The problem was that in order to get this permit, one had to give the Chief a live chicken. The corrupt demands do not end there. After cutting down the tree the chief had to get a percentage of the profits from the proceeds of selling the timber. The man was frustrated since he didn't have the chicken, which are rare in Kilifi! The chief threatened to prosecute him if he went ahead and cut down the tree. So he had to look for the chicken and pay.

In the same area, a young woman, had a domestic issue with her husband and had to seek the Chief's intervention. She was told to take a goat and chicken, which was described as the sitting allowance for the chief and others in the dispute resolution team, for her case to be heard.

It was evident from my field research that Kenyans were eager to expose and stamp out corruption after the elections due to the euphoria that accompanied the election victory of NARC. After a few months, this spirit was dampened and many got discouraged when they saw that government officers, the provincial administration and law enforcement officers continued to encourage bribery and even doing it more secretly. Also, many residents declined to report any acts of bribery and corruption since they had long lost faith in the respective offices and authorities that were supposed to deal with it. Their attitude was that of "life goes on".

---

***...despite the recent crackdown on traffic police officers and the public enthusiasm to expose them that came with the euphoria of the 2002 elections, the officers had just modified the way they receive the bribes***

---

## THE TEN GOLDEN FIFA RULES

Of the Ten Golden Rules that FIFA operates under, Rule 7 and 10 clearly urges members to stay clear of any corrupt act or attempts to tempt them into corruption. FIFA's Code of Conduct for football encapsulates all the sporting, moral and ethical principles for which FIFA has always stood and for which it will continue to fight in the future, regardless of the influences and pressures that may be brought to bear.

The ten golden rules not only serve as a credo for FIFA as the world football body, but they also reinforce the sense of fraternity and cooperation among the members of the worldwide football family.

1. **Play to Win:** Winning is the object of playing any game. Never set out to lose. If you do not play to win, you are cheating your opponents, deceiving those who are watching, and also fooling yourself. Never give up against stronger opponents but never relent against weaker ones. It is an insult to any opponent to play at less than full strength. Play to win, until the final whistle.
 

*Reject corruption, drugs, racism, violence and other dangers to our sport. Football's huge popularity sometimes makes it vulnerable to negative outside interests: Watch out for attempts to tempt you into cheating or using drugs.*
2. **Play Fair:** Winning is without value if victory has been achieved unfairly or dishonestly. Cheating is easy, but brings no pleasure. Playing fair requires courage and character. It is also more satisfying. Fair Play always has its reward, even when the game is lost. Playing fair earns you respect, while cheats are detested. Remember: It's only a game. And games are pointless unless played fairly.
3. **Observe the Laws of the Game:** All games need rules to guide them. Without rules, there would be chaos. The rules of football are simple and easy to learn. Make an effort to learn them, so you understand the game better. This makes you a better player. It is just as important to understand the spirit of the rules. They are designed to make the game fun to play and fun to watch. By sticking to the rules, you will enjoy the game more.
4. **Respect Opponents, Team mates, Referees, Officials and Spectators:** Fair Play means respect. Without opponents there can be no game. They have the same rights as you have, including the right to be respected. Your team mates are your colleagues. You form a team in which all members are equal. Referees are there to maintain discipline and Fair Play. Always accept their decisions without arguing, and help them to help you enjoy the game more. Officials are also part of the game and must be respected accordingly. Spectators give the game atmosphere. They want to see the game played fairly, but must themselves also behave fairly.
5. **Accept Defeat with Dignity:** Nobody wins all the time. You win some, you lose some. Learn to lose graciously. Don't seek excuses for defeat. Genuine reasons will always be self-evident. Congratulate the winners with good grace. Don't blame the referee or anyone else. Determine to do better next time. Good losers earn more respect than bad winners.
6. **Promote the Interests of Football:** Football is the world's greatest game. But it always needs your help to keep it as Number One. Think of football's interests before your own. Think how your actions may affect the image of the game. Talk about the positive things in the game. Encourage other people to watch it or play it fairly. Help others to have as much fun from football as you do. Be an ambassador for the game.
7. **Reject corruption, drugs, racism, violence and other dangers to our sport.** Football's huge popularity sometimes makes it vulnerable to negative outside interests. Watch out for attempts to tempt you into cheating or using drugs. Drugs have no place in football or any other sport or in our society. Say No to Drugs. Help Kick Racism out of Football. Treat all players and everyone else equally, regardless of their skin colour or origin. Show that football does not want violence, even from your own fans. Football is Sport, and Sport is Peace.
8. **Help others to resist corrupting pressures:** You may hear that team mates or other people you know are being tempted to cheat in some way. They need your help. Don't hesitate to stand by them. Give them the strength to resist. Remind them of their commitment to their team mates and to the game itself. Form a block of solidarity, like a solid defence on the field of play.
9. **Denounce those who attempt to discredit our sport:** Don't be ashamed to show up anybody who you are sure is trying to make others cheat. It's better to expose them and have them removed before they can do any damage. It often takes more courage to denounce what is wrong, than to go along with a dishonest plan. Your honesty will be admired but your complicity will not. Don't just say no. Denounce the culprits who are trying to spoil our sport before they can persuade somebody else to say yes.
10. **Honour Those who Defend Football's Good Reputation:** The good name of football has survived because the vast majority of people who love the game are honest and fair. Sometimes somebody does something exceptional that deserves our special recognition. They should be honoured and their fine example made public. This encourages others to act in the same way. Help promote football's image by publicising its good deeds.

## MUGABE MINISTER ACCUSED OF ILLEGAL DEALINGS

The Zimbabwean finance minister, Chris Kuruneri, was detained in Harare at the weekend facing charges of corruption and illegal dealings in foreign currency.

Photographs of the six-bedroomed, eight-bathroomed oceanfront house Mr Kuruneri is building in Cape Town appeared last month in South Africa's Sunday Times, which reported that he was flying to the city once a month to oversee construction, estimated to cost more than pounds 2.25m.

The minister admitted he was building the house at the city's exclusive Llandudno beach but said it would cost just pounds 450,000. He claimed he was paying for it legally with money earned several years ago from overseas consultancy jobs. But it is illegal for Zimbabweans to hold funds overseas. Further reports revealed that Mr Kuruneri owns two other properties in Llandudno and another house near Vancouver in Canada.

On Friday Mr Kuruneri defended the properties as "family investments" and said he would make "no apologies", adding that as a lawyer as well as finance minister, he knew all his

financial dealings were above board. But on Saturday police put him behind bars on suspicion of illegal transactions in foreign currency.

Under draconian regulations issued this year by President Robert Mugabe, Mr Kuruneri could be held for up to 28 days before appearing in court to be formally charged.

The minister is the first senior member of Mr Mugabe's cabinet to face charges in the government's anti-corruption drive, which has seen a few lower-ranking officials jailed. Several directors of banks and businesses have fled Zimbabwe to avoid arrest.

Anti-corruption activists discount the campaign as an attempt by Mr Mugabe, 80, to find scapegoats for the country's disastrous economic decline and to rid his party of challengers to his leadership. The economy has shrunk by 30% since 2000 and inflation has been running at more than 600%, while unemployment is estimated at more than 70%.

By Andrew Meldrum  
*The Guardian* 26 Apr 2004

## FIVE SACKED JUDGES FACE CORRUPTION CHARGES

**NIGERIA:** Five judges sacked for accepting bribes to influence the decisions of a Nigerian election tribunal will soon appear in court to face corruption charges, head of Nigeria's anti-graft commission has said.

Justice Mustapha Akanbi, chairman of the Independent Corrupt Practices Commission (ICPC), said on Wednesday in the capital Abuja that the judges would be charged in court as soon as the body had concluded its investigations. They were recently arrested, but were subsequently released on police bail.

Effiong Udo, the former chief judge of Akwa Ibom state in southeast Nigeria, is accused of being the conduit through which an unspecified sum of money in bribes was passed to four other judges who were members of an election tribunal. Officials have not named the source of the bribes.

Judges Matilda Adamu, Anthony Elelegwu, O.J. Isede and Tanimu Mahmoud allegedly accepted the bribes to return a verdict favourable to Ime Umanah, the candidate for the governorship of Akwa Ibom state of the opposition All Nigeria People's Party (ANPP) in a dispute over the outcome of last year's general elections.

Umanah had challenged the victory of Victor Attah, the candidate for the governorship of President Olusegun Obasanjo's ruling People's Democratic Party (PDP).

Akanbi told reporters that Udo "will find himself in the dock answering questions about his imperfections," along with the

other accused persons.

All the accused judges had earlier been sacked from their jobs by the National Judicial Council, the disciplinary arm of Nigeria's court system, which conducted its own probe.

A new electoral tribunal was subsequently constituted to hear the petition filed by Umanah. The ICPC was set up by Obasanjo through the first bill which he forwarded to parliament following his election in 1999.

Obasanjo, who was re-elected for a second term last year, has often stressed his commitment to root out widespread corruption in Nigeria. However, more than five years after it came into being, the ICPC has yet to secure the conviction of a single public official.

The anti-corruption commission has brought charges against several former government ministers, including some who served under Obasanjo, but this is the first time it has turned its guns on the judiciary.

The National Judicial Council has been rather more energetic.

It has sacked at least 20 judges in the past five years for accepting bribes and making improper judgements. Some of these were perceived to be in favour of the ruling party or Obasanjo's government.

*UNIRIN* 22 Apr 2004

## Upcoming Events

May 8: Football stakeholders public forum  
Time: 9 am – 12 pm  
Venue: Kisumu  
Contact: [stcsoccer@hotmail.com](mailto:stcsoccer@hotmail.com)

May 22: Football stakeholders public forum  
Venue: Mombasa  
Contact: [stcsoccer@hotmail.com](mailto:stcsoccer@hotmail.com)

## Think about it...

Corruption is the least in the scale of tolerance for people who are genuinely interested in sports

**Prof. Mike Boit, Chairman, KFF  
Stakeholders Transitional Committee**

## On a lighter note

“Hey, Mom,” asked Johnny “can you give me twenty dollars?”

“Certainly not.”

“If you do,” he went on, “I’ll tell you what dad said to the maid when you were at the beauty shop.”

His mother’s ears perked up and, grabbing her purse, she handed over the money. “Well? What did he say?”

“He said, ‘Hey, Marie, make sure you wash my socks tomorrow.’ “

## STC ASK FIFA TO INVESTIGATE KFF USE OF FIFA FUNDS

**The following press release by the Stakeholders Transitional Committee raised some issues for FIFA President Mr. Joseph Blatter, which he was supposed to address to help streamline KFF**

On April 12th we wrote urgently to you expressing our disappointment that your representatives came to our country last weekend and met with former KFF officials but refused to meet and give a fair hearing to representatives of our top clubs, coaches, players and referees.

We also expressed concern about the misuse of FIFA funds which did not reach and benefit our clubs, coaches, players and referees. As the former KFF officials failed to circulate annual audit reports for the last four years as required in the KFF Constitution, we asked you to provide information on how much was transferred by FIFA on what dates and to what bank accounts during 2000-04.

We also pointed out that the KFF report to you on May 10, 2003 on their use of over Ksh 5.7 million contains questionable entries and at least one false claim and asked you to provide copies of all other KFF reports to you on their use of your funds. We have not received a reply to date.

Attached are some notes on the KFF report to you on May 10, 2003. As that summary indicates, the legitimacy of some of the claimed KFF expenses is questionable. Moreover, the KFF use of your funds evidently violated your regulations for the FIFA Financial Assistance Programme (FAP):

FAP Article 3.2 states that the funds should be used on “needs of the game” such as youth and grass-roots development, women’s development, technical/education programmes, refereeing, sports medicine and futsal soccer. Despite reportedly getting over Ksh 50 million of FIFA/FAP funds in the last four years, the KFF made no investment in any of these key areas. Of the Ksh 5.8 million from FIFA in March 2003, KFF spent over 90% only on the national team

yet there was only one FIFA match that month and even that was our home match.

FAP Article 4.3.2 states that your funds should be deposited in a special FAP account. KFF instead put your FAP funds in the KFF National Youth Development Programme (NYDP) account even though your funds were never used for any youth development or grassroots activities.

FAP Article 5.1.1 required KFF to use an “officially approved and accredited local audit company”. The KFF report for March 2003 lists a payment to “Litoki and Associates Auditors”. That company is not even listed among the over 180 audit and accounting companies in the telephone directory.

FAP Article 8.1 states that “All remittances from FAP contributions must be transacted via this account”. Did all FIFA/FAP funds really go to that same account during 2000-04?

“For the Good of the Game” in Kenya and in keeping with the spirit and letter of the FIFA Code and its anti-corruption commitments, we repeat our requests that you send copies of the other transfers and KFF reports and that you immediately suspend all further payments to former KFF officials until the investigations on their misuse of your funds are completed.

We also repeat our request that you send another mission soon to conduct a full and fair assessment of the corruption and mismanagement by former KFF officials, including their misuse of your funds.

**Original signed by STC Executive Committee members**