

GREED vs GOOD GOVERNANCE

The fight for corruption-free football in Kenya



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Greed vs Good Governance

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The poor majority and corrupt minority

As there are so many journalists at this conference, I can't resist opening with this anecdote: "A pessimist once described an optimist as someone who had not yet read today's newspapers".

It's hard to be an optimist after reading and hearing northern news reports about Kenya. But I am optimistic about my country's future. The huge majority of people in Kenya are poor. But they are not helpless or hopeless. On the contrary, the poor majority of Kenyans are among the most honest, hospitable, hardworking, helpful and hopeful people I've met in the over 50 countries where I worked during the last 35 years. That's why I've stayed in Kenya for 20 years. That's why I will be buried there too. But not too soon I hope.

Kenyans are certainly the most tolerant and patient people I've met, especially with their political leaders. I often feel they are too understanding and patient, especially as so many remain poor because of corruption. But someday, and hopefully soon, the poor majority of Kenyans will get the leaders they need and deserve.

So, as I now proceed to describe some of the gory details about the culture of corruption in Kenyan football, remember I am *only* talking about a few wayward Kenyans who shamelessly exploit the rest.

Countering corruption with a camera

For the benefit of the electronic media, let me first briefly describe how our football club, Mathare United, countered corruption with a camera. This example also shows how corruption can be defeated with a committed and creative approach.

In 1994 we formed a Mathare United professional team. Then and still today, that team consists entirely of players from the Mathare area, one of Africa's largest and poorest slums. A main aim of the team is to generate enough revenue to pay the players well *and* reduce the donor dependence of the Mathare Youth Sports Association (MYSA), the pioneering self-help youth sports and community development project which started in 1987 in the same huge slums.

Surprisingly, Mathare United climbed rapidly through the lower leagues and won promotion to the 1997 National Super League. The team eagerly took to the field but were soon dismayed to find it was almost impossible to win away matches due to corrupt local referees. That year the team lost a lot of points in away matches yet still missed promotion to the top Premier League by only one point.

For the 1998 season, one of my friends kindly donated a video camera to our team. It wasn't one of the small and light modern models but a huge and clunky camera with a shoulder bag for the heavy battery pack. That year our Team Manager became really fit. During all our away matches he ran up and down the sidelines with the camera constantly pointed straight at the referees.

Not used to being movie stars, the referees became far more cautious and correct. But we had a dark secret. What the referees didn't know and never discovered was that the camera was broken. That camera never worked but the technique did. In 1998 Mathare United earned more points from away matches and won promotion to the Premier League. But that then exposed our team - and me - to new and tougher forms of corruption which couldn't be countered with only a broken video camera.

The culture of corruption in Kenyan football

Kenyan football clubs and players suffered for decades from bad playing fields, biased referees and mismanagement of their leagues and KFF funds. But in the contest between greed versus good governance, the KFF regime led by KFF Chairman Maina Kariuki set new national records for mismanagement, incompetence and corruption.

In March 2000 Kariuki won election as the 13th KFF Chairman since Kenyan independence in 1963. That became an unlucky number for football. As a senior marketing executive in a multinational company, Kariuki successfully marketed himself in the KFF election campaign as the saviour of football with the slogan "A New Beginning".¹ His slogan did not violate any truth in advertising code. Kariuki's

¹ "Kariuki has his work cut out", Daily Nation, March 27, 2000, page 34.

election did mark "A New Beginning" for the darkest and most corrupt period in the 37-year history of Kenyan football.

Corruption escalated soon after the Kariuki regime took office. The first corruption scandal occurred in July 2000 when an estimated Ksh 1 million was reportedly stolen from the gate receipts of the Kenya vs Swaziland match.² The later KFF Probe Report cited that scandal as the first of many: "*Since the new team led by Maina Kariuki took over the office about eight international matches were played. To our surprise there was not a single penny banked by the treasurer as proceeds from gate takings.*"³

During 2000-04 Kariuki presided over a culture of corruption which crippled Kenyan football. It also spread like a cancer from the national to local levels. While national KFF officials looted the national KFF and FIFA funds, many local KFF officials pocketed the KFF share of gate receipts from the matches in their areas.⁴ In a corrupt bargain the national officials overlooked the theft of KFF gate receipt deductions by local officials while they in turn overlooked the embezzlement of KFF and FIFA funds by the national officials.⁵ As members on the KFF Governors Council, the local KFF Branch officials also overlooked or sanctioned violations by national KFF officials of more than half the articles in the KFF Constitution.

Under the Kariuki regime, the greed and bad governance in KFF included:

- The theft of over 20% in KFF deductions from the gate receipts for local matches;⁶
- The theft of gate receipts from international matches hosted by KFF;⁷
- The reported theft of over 30 computers donated by FIFA;⁸
- The misuse and embezzlement of over Ksh 55 million of KFF and FIFA funds;⁹
- The failure to pay KFF debts and awards owed to the clubs, players and referees;¹⁰
- The failure to allow KFF member clubs to inspect the KFF accounts;¹¹
- The failure to circulate annual KFF audited accounts for four years;¹²
- The repeated violations of over half of the articles in the KFF Constitution;¹³
- The failure to apply the football rules firmly and fairly to all clubs equally;
- The failure to consult or inform clubs on arbitrary changes in the KFF rules;
- The failure to pay annual awards to the top clubs, players and referees;¹⁴
- The arbitrary appointment and promotion of unqualified and biased referees;¹⁵

² "KFF official in Sh1million scam", The Standard, July 17, 2000, page 22; "Gates frauds rampant - Haji [KFF Secretary General]", The Standard, July 20, 2000, page 30.

³ KFF Probe Report, November 2001, page 8; "Why the silence on stolen KFF money?", Nation, January 31, 2005, Outlook, page 2..

⁴ "KFF: Mboss now on warpath over accounts", The People, March 14, 2001, page 23; "Financial mismanagement cited at KFF Coast Branch", The People, June 23, 2001, page 23; At a meeting with the Premier League clubs on January 11, 2003, KFF Secretary General Hussein Swaleh also admitted that none of the KFF Branches remitted any of the KFF gate receipt deductions during his tenure *except* for the home matches of Mathare United because that club insisted on making the payments by cheque rather than cash; "Branch in the red", The Standard, March 29, 2004, page 24.

⁵ "Corruption hurting local sports", The Standard, December 29, 2004, page 35.

⁶ "Continued looting of KFF gate collections", Kenya Times, November 1, 2001, page 21.

⁷ KFF Probe Report, November 2001, page 8; "Why the silence on stolen KFF money?", Nation, January 31, 2005, Outlook, page 2.

⁸ "Did FIFA donate 32 computers?", Standard, March 29, 2004, page 26.

⁹ "Soccer men on theft charge: Police say football trio stole Sh55 million between 2002 and May this year", Daily Nation, July 8, 2004, page 56; "KFF chiefs on theft charge: Officials allegedly stole Sh56 million from federation", The Standard, July 8, 2004, page 32.

¹⁰ "Refs never get money meant for them", The Standard, December 31, 2004, page 28.

¹¹ "Obondo opposes clubs move to inspect KFF books", Daily Nation, February 16, 2001, page 46.

¹² "How KFF flouted its own rules", The Standard, March 29, 2004, page 24.

¹³ Ibid.

¹⁴ The last awards ceremony was for the 2001 season. KFF officials presented the winners with trophies but no cash awards. Mathare United won the Premier League Runner-Up trophy. The Mathare Captain and Assistant Captain were still admiring their new trophy just minutes after collecting it when the owner of a local sports store approached them, presented his business card and asked "KFF just borrowed these trophies from my shop this morning for this ceremony. Could I please have the trophy back now?"

- The failure to pay the allowances of the match officials;¹⁶
- The recruitment and fielding of overage players on the national U17 team;¹⁷
- The recurring failure to pay the national team coaches, officials and players;¹⁸
- The signing of secret deals on equipment and international friendly matches;¹⁹
- The involvement of top KFF officials as unregistered agents in selling players abroad;²⁰
- The refusal of KFF officials to address over 50 constructive reform proposals by clubs;²¹
- The failure to act on the findings and recommendations in the 2001 KFF Probe Report;²²
- The exclusion of KFF clubs, coaches, players and referees in KFF decision-making;
- The appointment of unqualified people to key KFF technical and other positions;²³

When the term of the Kariuki regime expired in March 2004, sports journalist Omulo Okoth summarized the results:

"Maina Kariuki's office will be remembered for the dubious distinction of reneging on all election pledges he made. He promised to strengthen football from the grassroots yet nothing seems to be happening at that level. The National Youth Development Programme ground to a halt even when KFF was not spending a cent. Maina rightly recognised that no national team can thrive without a vibrant youth programme. He promised to overhaul youth centres if elected. But when he was finally elected it was business as usual."²⁴

The football community has still not recovered any of the funds stolen during the Kariuki regime even though Kariuki along with former KFF Secretary General Hussein Swaleh and former KFF National Treasurer Mohammed Hatimy were jointly charged in court in July 2004 with the theft of over Ksh 55 million in KFF and FIFA funds. With no sense of honour or shame, both Swaleh and Hatimy even stood again in the KFF elections in December 2004. Swaleh suffered a deserved defeat. But it raised serious doubts about their respect for financial transparency and the new KFF Constitution when the also recently elected KFF Branch officials ignored their new constitution and elected Hatimy as the KFF Senior Vice Chairman despite his failure to circulate audited accounts for the previous four years.

In those elections Alfred Sambu won election as KFF National Chairman and promised a series of KFF governance reforms. A key reform was the professionalization of the KFF secretariat starting with

¹⁵ "No money, no refereeing: referees demand pay of Sh1.6m from KFF or they strike", The People, February 12, 2001, page 23; "Refs cry foul over delay of their dues", The People, October 1, 2001, page 23; "Referees to halt league", Daily Nation, February 14, 2002, page 46; "Angered referees take KFF to court", The People, October 5, 2002, page 23; "Men in black stage boycott", The People, March 23, 2003, page 23; "Refs never get money meant for them", The Standard, December 31, 2004, page 28.

¹⁶ Ibid.

¹⁷ "Kenyan Minister disbands U17 team for cheating", Panapress, February 14, 2003; "Balala disbands U17 team over age cheating", The Standard, February 15, 2003, page 1; "KFF lands in serious trouble as government disbands U17 team", The People, February 15, 2003, page 22.

¹⁸ "Stars in allowances hitch", Daily Nation, January 5, 2004, page 31.

¹⁹ "KFFG now takes KFF to task over Harambee Stars players", Kenya Times, December 22, 2003, page 28; "Corruption hurting local sports", The Standard, December 29, 2004, page 35.

²⁰ "Mathare United cry foul over transfers", Kenya Times, July 13, 2001, page 23; "Transfers: Trouble ahead for KFF?", East African, July 16, 2001, page 35; "KFF accept wrongdoing in Mathare deal", The Standard, July 25, 2001, page 31; "Mathare transfer wrangle persists: Ismailia signed contracts with players before telling Mathare", Sunday Nation, July 28, 2001, page 5; "Murunga's exit not enough", Daily Nation editorial, July 30, 2001, page 8; "Flout the rules and face consequences", Daily Nation editorial, The Standard, October 8, 2001, page 6.

²¹ "Clubs blueprint for raising standards", The People, December 23, 2000, page 23; "KFF snubs clubs call to shelve Premier League", The Standard, March 1, 2001, page 30; "KFF should accede to a roundtable meeting", Kenya Times editorial, March 5, 2001, page 6; "Dialogue crucial in soccer administration", Kenya Times editorial, April 2, 2001, page 6.

²² "Probe report submitted", The Standard, November 22, 2001, page 29; "KFF: Need for more transparency", Daily Nation editorial, November 26, 2001, page 8; "Report demands a special Governing Council meeting", Daily Nation, November 27, 2001, page 35; "Why this silence on KFF probe report?", The People editorial, November 30, 2001, page 6; "Odidi team recommends overhaul of KFF system", The People, December 3, 2001, page 22; "KFF needs to deliver on its promises", The Standard, December 15, 2001; "Findings of the Odidi Probe team", The Standard, March 29, 2004, page 27.

²³ "KFF gets another jab from GMT", People, April 18, 2001, page 23; "KFF advised to disband competitions committee", Nation, April 30, 2001, page 43; Letter dated July 17, 2001 from KEFORA General Secretary Gilbert Ottieno to KFF Chairman Maina Kariuki.

²⁴ "Pledges KFF reneged on", The Standard, March 29, 2004, page 24.

the appointment rather than election of the KFF Secretary General. As agreed with FIFA, the new Secretary General would be identified and recruited through a rigorous selection process to be done by the internationally respected KPMG management consulting company. As an interim measure, KFF appointed Titus Kasuve as their Acting Secretary General. But the KPMG process then stalled for several months as Kasuve with his supporters evidently started enjoying his new position and powers and became rather reluctant to facilitate a process to replace himself.

The KPMG process eventually resumed in mid-2005 after KFF received a stiff warning and directive from FIFA. KPMG then completed its assignment and submitted to KFF their shortlist of top candidates along with a detailed assessment report on their qualifications and ranking. However, at the KFF National Executive Committee meeting in July 2005 the members ignored the highest ranked candidate, Prof. Moni Wekesa. They even ignored the second highest ranked candidate and, over the objections of their own National Chairman, proceeded to appoint the third ranked candidate, Dan Omino, as the new KFF Secretary General.

The following month the KFF National Executive Committee members again defied both their National Chairman and FIFA and, with the support of the government, convened a KFF Special General Meeting on August 27th in Nakuru. Although KFF National Chairman Alfred Sambu was still in hospital after a serious traffic accident, they judged him *in absentia*, decided to suspend him and then appointed Mohammed Hatimy as their new *Acting* National Chairman.

Today, over two months later, the KFF still has two sets of top leaders: the FIFA-recognized duo of Alfred Sambu as National Chairman with Prof. Moni Wekesa as Secretary General; and the government supported duo of Mohammed Hatimy as Acting National Chairman with Dan Omino as Secretary General. If you are confused by this sad game of musical chairs in the KFF executive, don't be alarmed. So are millions of Kenyans.

How the clubs fought back against corruption

Before 2000 Kenyan clubs largely struggled alone for fairplay by KFF but too often did not get a fair hearing or fair treatment. Tired of being divided and exploited by their own KFF officials, in December 2000 eight top clubs met and formed the Inter-Clubs Consultative Group (ICCG) for strengthening inter-club cooperation and consultations on how best to improve Kenyan football. The original clubs were Chemelil Sugar, Kenya Commercial Bank, Mathare United, Mumias Sugar, Nzoia Sugar, Oserian, Tusker and Utalii.²⁵ The clubs met on again December 21st to approve and sign a joint appeal to KFF containing over fifty constructive reform proposals for consideration and implementation during the 2001 season.²⁶ Despite promising "A New Beginning" during the KFF elections earlier that year, the Kariuki regime refused to meet with the clubs to discuss their proposals.

The failure of the Kariuki regime to circulate audited accounts particularly worried the ICCG clubs. On February 12, 2001 the ICCG clubs submitted the required 3-day written notice to the KFF Secretary General for exercising their right to inspect the KFF accounts under Article XIV of the KFF Constitution.²⁷ On February 15th, Kariuki even admitted in an interview that KFF officials mishandled money and stated that the "lack of financial accountability among some of the top KFF officials is one of the biggest problems facing the national soccer governing body".²⁸

KFF officials initially welcomed but then started stalling on the inspection of their accounts. On February 19, 2001 the KFF Secretary General met with the club representatives who were accompanied by auditors from Deloitte & Touche plus John Githongo, the Executive Director of Transparency International in Kenya. He confirmed the clubs had the right to inspect the KFF accounts. But after that meeting, whenever the clubs and auditors requested a date for starting their inspection, KFF officials kept inventing new excuses for delaying the inspection. Despite many later requests, the Kariuki regime repeatedly refused to allow their member clubs to inspect the KFF accounts for the next three years.

The Kariuki regime also repeatedly ignored subsequent joint appeals by clubs for consultation and cooperation on improving Kenyan football. Instead of seeking dialogue with their KFF member clubs, the Kariuki regime attacked them in the media. The KFF publicly declared the ICCG to be "amorphous" and "illegal", stated that any appeal "would be treated with the contempt it deserves", accused the

²⁵ In 2001 Brooke Bond, Kisima and Shabana joined the original eight Premier League clubs. Representatives of the Kenya Football Referees Association (KEFORA) also attended the later ICCG meetings.

²⁶ "Inter-Club Cooperation for Improving Kenyan Football", December 21, 2000.

²⁷ Letter dated February 12, 2001 on "KFF Account Books and Records" from the ICCG to KFF Secretary General Hassan Haji.

²⁸ "Federation officials mishandled money, chairman discloses", Nation, February 16, 2001, page 47.

ICCG of "falsehood, malice and incitement" as well as "ridicule, mockery and insubordination to the Federation", warned "of dire consequences for those who continue to participate in the illegal meetings called by the ICCG", and finally threatened "to suspend all the clubs and individual members of the group from any KFF organized tournaments".²⁹

During 2002-03 KFF corruption contributed to the collapse of several Premier League clubs yet KFF and FIFA continued to ignore their appeals and proposals for reform. That forced the clubs to consider other options. On September 20, 2003 eleven top Premier League clubs resigned as KFF members: AFC Leopards, Gor Mahia, Kenya Commercial Bank, Mathare United, Mumias Sugar, Nzoia Sugar, Pipeline, Sher Agencies, Thika United, Tusker and Utalii. Nearly all those clubs ranked in the top half of the 2003 Premier League. Six had also already qualified among the final eight clubs for the quarter-finals of the 2003 Cup championship when they resigned. Most of the players on the Kenyan national team, the Harambee Stars, came from those clubs. In the 40 year history of Kenyan football, those clubs had together won 47 of the 50 Premier League and Cup titles.

Their joint resignation letter stated that "among many concerns shared by our KFF member clubs, in the last few years our KFF officials:

- Have grossly mismanaged and misused our KFF funds, especially the KFF deductions from our match gate receipts and the funds from FIFA;
- Have failed for three years to provide our KFF member clubs with the annual audit reports as required in the KFF Constitution;
- Have committed over 20 violations of over half the Articles in the KFF Constitution, including Articles on the rights of our KFF member clubs;
- Have failed to improve or even maintain the standards of Kenyan football, especially on the selection and appointment of referees;
- Have excluded our KFF member clubs, coaches, players and referees from any effective role in KFF policy and decision-making;
- Have repeatedly ignored or broken many agreements made with our KFF member clubs;
- Have failed to apply properly and fairly the KFF, CAF and FIFA rules and even tarnished the international reputation of our sport and country."³⁰

The joint resignation concluded:

"Like most organizations, the KFF consists of the members and the officials who are elected or appointed to protect the rights and serve the interests of their members. Sadly, KFF officials have repeatedly failed to understand and respect that basic organizational principle and have ignored and even exploited our clubs, coaches, players and referees for far too long.

Our clubs have lost all trust and confidence in our KFF officials and no longer consider it beneficial for the reputation of our clubs or for the future of Kenyan football to remain associated with KFF officials who have brought the standards and reputation of our sport into disrepute in our country and abroad. Our clubs are therefore resigning our membership in the KFF with immediate effect today."³¹

The clubs also agreed and issued a joint public statement on "New Inter-Clubs Partnership for Improving Kenyan Football, National Development and Unity". In that statement the clubs stated their new goals, outlined their new organizational arrangements for ensuring good governance, financial transparency and accountability, set out their agreed measures for improving club management and financial sustainability and concluded by confirming their commitment to contribute to national development through new inter-club programmes on critical national issues such as alcohol and drug abuse, AIDS prevention and environmental improvement."³²

The clubs formed their own company, the Kenyan Premier Football Group Limited (KPFGL), and legally registered it under the Companies Act of Kenya. To ensure good governance with financial transparency and shareholder accountability, the participating clubs each had equal shares plus equal votes

²⁹ Letter dated March 29, 2001 on "Your Illegal Activities" from KFF Secretary General Hassan Haji to ICCG Chairman Denis Randiak. Although stamped "Confidential", the KFF gave the letter to the media. See "11 Premier League clubs may be banned", Nation, March 30, 2001, page 55.

³⁰ Letter dated September 20, 2003 on "Resignation of our clubs from KFF membership" to KFF Acting Secretary General Allan Chenane.

³¹ Ibid.

³² "New Inter-Clubs Partnership for Improving Kenyan Football, National Development and Unity", September 20, 2003.

on the KPFG Board of Directors. In addition to the eleven clubs, the national associations of coaches (KEFOCA) and referees (KEFORA) both joined as associate members.

In a last effort at reconciliation, National Sports Council Chairman Joshua Okuthe convened a meeting on November 7th with KFF Chairman Kariuki and the KPFG executive committee members. During that meeting Kariuki made over ten agreements and commitments on such key issues as circulating the audited accounts to clubs the following week, allowing the clubs to inspect the KFF accounts, paying the outstanding KFF debts owed to the clubs and referees, putting the clubs in charge of running the Premier League, involving clubs directly in revising the KFF Constitution and incorporating the representatives of clubs, coaches, players and referees in key KFF decision-making bodies.³³ But, as so many times before, Kariuki then ignored or broke those agreements.

The KPFG continued to forge ahead on its own and successfully organized a range of new activities on and off the field. They first launched and managed the 2003-04 Kenyan Champions League of ten top clubs.³⁴ With generally low scores and one goal victories, the Champions League became the most highly competitive league in Kenyan football history. Among other achievements, also for the first time in Kenyan football history, all matches kicked off as scheduled and there were no abandoned matches, no referee boycotts and all matches officials paid in full, no complaints on the hosting of clubs by home teams, no frequent changes or disputes on the fixtures, no two match weekends for any club, no serious injuries to any players, no appeals against the referees or results of any matches, no disciplinary action needed against any club officials or players and no loss of gate receipts with the home clubs keeping 100% of the revenue.

The KPFG Kenyan Champions League also set three other firsts: it was the first time that top clubs carried out community cleanup projects as well as football and AIDS prevention clinics in schools in different parts of the country; it created the first Kenyan Football Roll of Honour for former coaches, players and referees who were then allowed into all matches for free; and it became the first top league in the world where referees used new "Green Cards" for exceptional fairplay and sportsmanship by players and clubs.

The KPFG also launched the world's first Transparency Cup competition in any sport or country with the theme of "Kicking corruption out of sport". The 2003 and 2004 Transparency Cups attracted more donor and corporate sponsors and paid the highest cash awards to the top clubs, players and referees than any previous Cup competition. Many partners had not previously invested in football and included the Stromme Foundation of Norway, the Royal Netherlands Embassy, German Development Cooperation (GTZ), the British and Canadian High Commissions and Transparency International-Kenya. Corporate partners 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.

While the KPFG competitions thrived, the KFF leagues gradually collapsed in early 2004. Internal KFF wrangles escalated and the KFF fixtures became increasingly chaotic. By March most local to national KFF leagues had stopped. Later that month the Kariuki regime even failed to hold proper elections before their term of office expired. To fill that vacuum and avoid further disarray and decline, Sports Minister Najib Balala consulted key stakeholders and then created a transitional committee of representatives of clubs, players, coaches and referees to restart the KFF leagues, to revise and strengthen the KFF Constitution and to hold new elections by June 30th.

The new Stakeholders Transitional Committee (STC) immediately started its work in early April under the chairmanship of Dr. Mike Boit, one of Kenya's pioneering runners and athletic heroes as well as an international recognized sports administrator and professor of physical education at Kenyatta University. One of the first STC decisions was to hold a series of innovative public forums on the future of Kenyan football. In partnership with Transparency International in Kenya (TI-Kenya), the STC organized the first public forums ever held in Kenya on football or any other sport. The public forums in Kisumu, Mombasa and Nairobi attracted hundreds of participants and generated a wide range of new proposals for saving and improving Kenyan football.

In one of the most intense, productive and innovative periods in the history of Kenyan football, during only twelve weeks between early April and late June the STC:

- Held five full committee meetings, eleven Executive Committee meetings, six meetings with the

³³ "Results of the Consultative Meeting convened by the KNSC", Summary circulated to all participants on November 8, 2003.

³⁴ The Chairman of AFC Leopards signed the joint resignation letter on September 20, 2003 but KFF officials then encouraged and orchestrated a split in his club so their team did never competed in the new Kenyan Champions League.

- Minister and senior sports officials, four meetings with the national technical bench and club coaches plus many media briefings and interviews;
- Completed a detailed review on key issues and options in football and issued a public discussion paper on "For the Good of the Game: Achieving Good Governance, Financial Transparency and Stakeholder Accountability for Saving and Improving Kenyan Football";
 - Prepared and provided the following three documents to all STC members and FIFA:
 - Kenya Football Federation Constitution: Included the 1995 KFF Constitution, the draft from the 2003 KFF Stakeholder Symposia, the FIFA Standard Statutes and a summary of the over 20 violations of 12 of the 21 Articles committed by the former KFF officials;
 - Key Events and Appeals to KFF, CAF and FIFA, 2000-04: Included the over 30 appeals to KFF, CAF and FIFA since 2000;
 - Editorials on Kenyan Football, 2001-04: Included a selection of the over 150 editorials in the four national newspapers on KFF mismanagement and corruption since 2001;
 - Completed a review of the KFF Constitution which concluded that it was so seriously flawed, outdated and incomplete that a new constitution was needed using the FIFA Standard Statutes as a guide;
 - Met and agreed with the Premier and Nationwide clubs on a format and schedule for completing the 2003-04 season and re-started and managed their leagues;
 - Appointed the national coach, technical staff and new medical support group, ensured the payment of all outstanding allowances to the national players and made the arrangements for their residential training and their match with Guinea in cooperation with the Harambee Stars Management Board;
 - Provided advice and assistance to the task force investigating KFF corruption;
 - Organized with TI-Kenya the three public forums in Kisumu, Mombasa and Nairobi;
 - Prepared a draft constitution for consideration and approval by a larger stakeholders group.

The STC incorporated many proposals from the public forums in a draft constitution for a new Kenyan Football Association (KENFA). Again with TI-Kenya support, the draft was then reviewed, revised and adopted at the Limuru Constitutional Conference on June 19-20th by over 50 representatives of clubs, players, coaches, referees, schools and women and youth football.³⁵ The STC submitted the new KENFA Constitution to the Registrar of Societies for approval. But that process was sadly sabotaged and blocked in July when a declared candidate for the KFF chairmanship who was allied to corrupt former KFF officials secured a court order in Kisumu to restrain and delay the KENFA registration.

The STC and KENFA process was also overtaken by events. In July 2004 FIFA also intervened and established a new KFF Normalisation Committee which was given two main tasks to complete by December 2004: to prepare and secure the adoption of a new KFF Constitution and then to hold new KFF elections under that new constitution.

Regarding the Premier League, the KFF Normalisation Committee initially agreed that it would be owned and managed by the clubs but then also started backtracking on its agreements. Between then and now the following agreements with clubs were made and then ignored or broken by KFF:

- On August 14, 2004 the KFF Normalisation Committee Secretary chaired a meeting of 20 Premier League clubs and seven other members of the KFF Normalisation Committee which agreed "on the urgent need to have a Premier League Company put in place that shall be responsible for running, marketing and general management of the league" and set up a special sub-committee.
- On August 20, 2004 the KFF Normalisation Committee Secretary confirmed by letter that the August 14th meeting "unanimously agreed that a Premier League Company Limited be set up with the sole purpose of managing Premier League affairs" and announced the sub-committee will meet on August 26th.
- On August 21, 2004 the KFFG shareholders agreed to admit the other Premier League clubs as equal shareholders and Directors and to rename the company as "Kenyan Premier League Ltd".
- On August 26, 2004 the KFF Normalisation Committee Secretary chaired the sub-committee

³⁵ Final Report of the Stakeholders Transitional Committee, July 24, 2004.

meeting which agreed to change the name of KPFG to "Kenyan Premier League Limited" (KPL) and adopted over 50 recommendations for managing the company and league.

- On August 28, 2004 19 Premier League clubs met and approved the change of name from KPFG to "Kenyan Premier League Limited" (KPL) and adopted the sub-committee recommendations.
- On September 10, 2004 the KFF Normalisation Committee Chairman agreed to join the KPL Board of Directors and then "Paid on behalf of KFF 2,000" for the KPL shares.
- On November 8, 2004 the representatives of clubs, KFF, CAF and FIFA met and agreed to change the KPL name to "KFF Premier League Ltd" to recognize the overall role of KFF.
- On December 9, 2004 the constitutional review meeting chaired by the Sports Minister and attended by the KFF Normalisation Committee Chairman and members as well as FIFA agreed to include the following text in the KFF Constitution: "The Kenyan Premier League shall be owned and managed by the KFF Premier League Limited (KPL), a legally registered private company in which the participating clubs must have equal shares and votes. The KFF shall also be a shareholder and the KFF National Chairman shall be a voting member of the KPL Board of Directors."
- On December 10, 2004 the KPL text was the *only* one of over 60 agreed amendments which was "omitted" in the draft presented to the KFF General Meeting but the KFF Normalisation Committee Vice Chairman and Secretary both promised that it would be included in the draft to be presented for approval by FIFA and the Registrar of Societies.
- On May 16, 2005 the KFF National Chairman wrote to the Registrar of Companies authorizing "the Kenya Premier League Ltd to legally change its name to KFF Premier League Ltd" and if "others may try to register another company with the same or similar name" then "such application should be rejected or cancelled".
- On May 30, 2005 the Registrar of Companies approved the KPL change of name and the filing fees were paid that same day but the Change of Name Certificate was never issued.
- On May 31, 2005 the Registrar of Companies instead registered a 'KFF Premier League Company' limited by guarantee with only two KFF officials as the sole Directors and Secretary.
- On June 25, 2005 the Premier League clubs met with representatives of KFF, CAF and FIFA and decided by an overwhelming majority vote that the Premier League be owned and managed by KPL. Later the same day the KFF National Executive Committee met and endorsed that decision.

None of those agreements have been respected to date. However, with the endorsement of FIFA the KPL company owned by the 20 Premier League clubs is today managing the Premier League as well as the President's Cup competition.

How corruption hit back at the pro-reform clubs

Corrupt officials never remain passive when threatened by resistance or exposure. To steal from those who trust you requires an abnormal combination of selfishness, greed and arrogance. Such corrupt and arrogant officials always hit back at reformers by using and abusing all the powers of their office and their political connections. They also do not hesitate to bribe and mobilize corrupt allies in other institutions. As corrupt officials operate without any sense of honour or shame or divine accountability, reformers move into their gun sights at their peril.

During 2001-04 the Kariuki regime undermined and penalized the pro-reform clubs in the ICCG for their fight against corruption in football. The methods used were varied and venal and included:

- KFF officials blatantly changed and manipulated the match fixtures to overload pro-reform clubs and favour other clubs;
- KFF officials told referees to ensure pro-reform clubs lost matches and to help their favoured clubs to win matches;
- KFF officials ignored official complaints by pro-reform clubs about incompetent or biased referees and deliberately re-appointed the same referees for their later matches;
- KFF officials delayed and mishandled appeals by pro-reform clubs on other violations of the rules and even on matches clearly abandoned by the other club;
- KFF officials misused the rules to unfairly take points away from pro-reform clubs and give them to more KFF-friendly clubs;

- Senior KFF officials even took top players from pro-reform clubs and personally sold them abroad and then got their KFF colleagues to sanction the illegal transfers.
- Off the field KFF officials also repeatedly tried to frustrate, intimidate and threaten the officials of the pro-reform club. For example:
- KFF officials delayed, withheld or refused to provide important documents and information to the officials of pro-reform clubs;
- KFF officials often 'forgot' to send them notices and invitations for important meetings on Premier League issues and KFF constitutional reform;
- KFF officials targeted the coaches and players on pro-reform clubs in an attempt to divide and weaken their clubs (e.g. they neglected to inform or invite them for the few local coaches training courses or for courses abroad and overlooked them for assignments with national youth teams);
- KFF officials misused the rules to threaten and even take disciplinary action against pro-reform club officials;
- KFF officials provided false information and accusations to the media in order to destroy the reputations of pro-reform club officials;
- KFF officials also repeatedly tried and sometimes succeeded in persuading the corporate employers of pro-reform club officials to replace or fire them.

KFF officials also tried to destroy some pro-reform clubs by sending letters to their sponsors urging them to "not waste your funds" as "any matches played by the club currently are of no benefit to the club, players, the sponsors and our country as a Nation [sic]".³⁶ Happily, they failed yet again. The corporate sponsors of the pro-reform clubs were all well aware of the corruption and chaos in the KFF and supported the withdrawal of their clubs. This shameful KFF attempt to sabotage the pro-reform clubs even backfired. It so offended some sponsors that they renewed their support for the clubs. For example, the sponsor for Sher Agencies FC sent this reply to KFF:

"Our decision to resign from the Federation is fully supported by the management of the club as well as our company, players, supporters and sponsors. In the old situation our sponsors had lost any interest in football and wanted to stop supporting our team. However, since we resigned from the Federation and committed ourselves fully to ICCG, our sponsors have committed themselves again for the next years. However, I do appreciate your advice not to waste any funds. That is why we resigned from the Kenya Football Federation."³⁷

Despite such disgraceful retaliatory tactics, the pro-reform clubs in the KPFG still continued to provide most of the players for the national Harambee Stars team. Moreover, the pro-reform clubs even released their players without receiving official requests from the KFF as stipulated in the FIFA rules and also released them for much longer periods than required in the FIFA rules.³⁸ The selfless sacrifices and patriotic support of the pro-reform clubs was a major factor in securing the qualification of Harambee Stars for the 2004 African Cup of Nations for the first time in over a decade.

While retaliating against the pro-reform clubs, KFF officials also extended special consideration and favours for some KFF-friendly clubs. For example, at a meeting with Sports Ministry officials at Jogoo House on May 8, 2001, the KFF Secretary General frankly admitted that the rules were not applied consistently and equally to all clubs as "sometimes they fail to implement rules to the letter because of some political influence and interference which compromises their objectivity". He added that "if the Federation had to apply the KFF rules as they are then some clubs would not be playing football because of their bad records". Some fines for breaking the rules went unpaid as he also "confirmed that most clubs that had been fined for various violations have not paid and can be easily disadvantaged if they apply the rules as required."

How corruption hit the poorest first and hardest

Corruption usually hits the poorest first and most. In Kenyan football, the team which was hit first and hardest was Mathare United whose players all come from poor families in one of Africa's largest and

³⁶ Letter dated October 15, 2003 from KFF Acting Secretary General Allan Chenane to the sponsors of the pro-reform clubs.

³⁷ Letter dated October 16, 2003 from Marco van Sandijk, Director of Sher Agencies Ltd, to KFF Acting Secretary General Allan Chenane.

³⁸ For example, during the period from mid-July to December 2002 four top Mathare United players spent 127 days training and playing with the national team while spending only 27 days with their own club.

poorest slums. The Mathare United professional team is linked to the Mathare Youth Sports Association (MYSA), a pioneering self-help youth sports and community development programme which uses sport as the starting point. Since 1987 MYSA pioneered the linking of sports with slum/environment cleanups, AIDS prevention, leadership training, feeding and freeing jailed kids and many other community service activities.

For the MYSA youth and Mathare players, KFF corruption was not just about the theft of KFF and FIFA funds. Corrupt KFF officials were also stealing the future of the youth in Mathare and other poor urban and rural communities. That posed a stark choice: disband the club and MYSA or fight corruption.

The Mathare youth face tough challenges every day of their young lives so courageously decided to accept the challenge of fighting corruption in football. But in Kenyan culture, youth cannot confront or argue with their elders. So the task of fighting corruption had to be shouldered by the older MYSA leaders and players on Mathare United.

In late 2000 the Mathare United officials took a leading role in starting inter-club consultations and launching unprecedented joint initiatives by clubs which led to the presentation to KFF of over 50 constructive reform proposals for saving and improving Kenyan football. When KFF ignored those proposals and especially those on financial transparency and accountability, Mathare officials again took the lead with other clubs and invoked Article XIV of the KFF Constitution on the right of the KFF member clubs to inspect the KFF accounts.

For the next three years the Mathare United club and its officials remained among the leaders in the reform activities of the Inter-Clubs Consultative Group (ICCG) and its corporate successors, the Kenyan Premier Football Group Ltd (KPFGB) and Kenyan Premier League Ltd (KPL).

From the outset the Mathare officials and players knew *and* accepted that as soon as they started fighting back on corruption then the KFF would start hitting back and take punitive actions which would affect their club's performance as well as their personal reputations and careers.

But they also understood and accepted that fighting back was the only way to secure a better future for the youth in MYSA, for their club and for Kenyan football. Mathare United quickly became the primary target for retaliatory measures by KFF officials. For examples, during the last four years:

- KFF officials ignored and buried some Mathare appeals and even after 2-3 years some are still pending with the KFF and National Sports Council;
- A senior KFF official told a group of referees at a KFF workshop at Kasarani stadium that if they wanted to get more KFF match assignments then they must make sure Mathare United loses in any match they officiate;
- Senior KFF officials personally sold four top Mathare United players abroad in 2001 and another top Mathare United striker in 2003 and their colleagues sanctioned the illegal transfers;
- KFF officials repeatedly and unfairly threatened Mathare club officials with suspension and other disciplinary actions;
- KFF officials refused to pay the KFF debts of over Ksh 1.1 million owed to Mathare United;
- KFF officials repeatedly attacked and made false accusations about Mathare United officials in the media;
- KFF officials abused their authority and manipulated the rules and referees to deprive Mathare United of the Premier League title in 2001 and their chances for a second title in 2004 plus two Cup titles in 2001 and 2003 as well as the right and honour which goes with those titles of representing Kenya in African club competitions.

The many retaliatory and corrupt actions by KFF officials seriously affected the fortunes of Mathare United and the careers of its players. The lost Premier League and Cup titles would have boosted the profile of the club and its players and improved their chances of attracting offers to play abroad. They would also have attracted more fans to Mathare matches and earned more and higher corporate sponsorships for the club. The consequence was that talented and deserving Mathare players lost their chance to play abroad and earn far higher incomes for themselves and their families.

For Mathare United, rather than moving toward the goal of helping support MYSA, the club instead faced chronic financial problems which constantly threaten its survival even today. But the club and its players willingly paid a high price for helping lead the fight against corruption in Kenyan football.

Unsung heroes in the fight against corruption

The frontline heroes in that long and tough struggle are firstly the many club officials who *voluntarily* invest so much time and energy in building their clubs and in cleaning up our sport and our many talented and committed coaches, players and referees and their long suffering families who need and deserve deliverance from corruption in sport.

The heroes include our best sports journalists who refuse bribes and resist threats and other ethnic and political pressures to courageously expose the culture of corruption which crippled our sport. The heroes include our legal advisers like Macharia Njeru Advocates in Nairobi and the Simkins Partnership in London who advise and assist our clubs at low or no fees.

The heroes include another speaker at this session, John Githongo. As the former anti-corruption head and adviser to the President of Kenya during 2003-04, John bravely led the uphill battle against the chronic and massive corruption in our country until circumstances forced him into exile earlier this year. While grappling with the grand corruption, he didn't neglect sport. Following intensive investigations three former top KFF officials were charged in court in July 2004 with the theft of over Ksh 55 million (\$740,000) in KFF and FIFA funds.

The heroes include Dr. Mike Boit and other members of the Stakeholders Transitional Committee who produced in just three months last year a new and exciting blueprint for putting football back into the hands of the key stakeholders. The heroes include local companies like K. D. Wire, Kapa Oils and Safaricom who got too little credit or publicity for helping and saving Mathare United during several tough periods when corrupt KFF officials kept undermining and hitting back at the club.

The heroes also include the Dutch, German and British aid agencies, Transparency International in Kenya and the Stromme Foundation in Norway who in 2003-04 provided crucial financial support to help the clubs' company to survive and demonstrate the benefits of good governance, financial transparency and stakeholder accountability.

Last but not least, the heroes include FIFA and especially FIFA Deputy General Secretary Jerome Champagne. Although FIFA sadly ignored for over three years the many appeals by our clubs for help, over the last year FIFA showed exceptional commitment, understanding and patience and dedicated a lot of time and effort to help accelerate the necessary reform process in Kenyan football. When anti-reform KFF officials then suspended the legitimate KFF national chairman and seized control of the federation with the support of some high-level government and other sports officials, FIFA stood its ground and insisted that KFF officials respect the rights of clubs, their previous agreements and the KFF and FIFA statutes. If FIFA had not done so, Kenyan football would have imploded yet again and returned to the dark and dismal days of the past.

But Kenyan football remains at risk. If our national football association is banned next month by FIFA, it will *only* be because our KFF officials arrogantly squandered FIFA's goodwill by shamelessly refusing to honour their many previous agreements with our clubs and FIFA, by repeatedly showing that they are unable and unwilling to reform and by putting their inflated egos, their hunger for power and their selfish interests above the "good of the game".

What are some of the lessons learned in Kenya?

The following shortlist of eleven lessons learned is based on experience ... which I wish I didn't have:

1. Corruption in sport is never sporting (e.g. corruption *always* fights back and usually does it *behind* your back).
2. Corruption in sport has no regulation time (e.g. injury time begins as soon as you start blowing the whistle).
3. Corruption in sport has no offside rule (e.g. there are *always* two or more opponents between you and the goal).
4. When fighting corruption in sport, honesty pays but you should never have to pay for honesty (e.g. be wary of seductive offers of support with strings attached).
5. When fighting corruption in sport, never underestimate the capacity of the villains to use even tougher tactics against you (e.g. the more desperate they get, the dirtier they get).
6. When fighting corruption in sport, never be tempted or provoked to adopt the dirty tactics used against you (e.g. when you fight fire with fire, you usually get burned as well).
7. When fighting corruption in sport, watch out when the villains start stressing the need for more

"give and take" (e.g. you should do all the giving while they continue taking).

8. When fighting corruption in sport with fearless facts, expect attacks on your motives and character instead (e.g. expect your name in the news with nasty words in front of it).
9. When fighting corruption in sport, insist on 'zero tolerance' and don't be tempted by appeals to compromise (e.g. stealing a little or a lot are both still stealing).
10. When fighting corruption in sport, be like Liverpool fans and make sure "You'll never walk alone" and especially after dark (e.g. multiple targets are harder to hit than one).
11. When fighting corruption in sport, *always* double or triple the time you think or are told it will take (e.g. don't be surprised or discouraged when it takes even longer than that).

Happily, another lesson learned in Kenya is that there are far more good people than bad people in football. In fact, in our country the villains are actually a small but entrenched group of dishonest and selfish officials with 'friends in high places' who repeatedly make and break agreements without any sense of personal honour or shame, who repeatedly abuse their positions and the rules to reward their friends and harm their foes and who repeatedly use words like "accountability" and "transparency" while siphoning money out of our sport. Rather than improving Kenyan football, their main aim is just to stay in power even if that means being suspended from the world football family.

Why is fighting corruption in sport so important?

Decades of deeply entrenched and widespread corruption cannot easily be reversed. When key institutions for justice and governance are contaminated by corruption, radical surgery is impossible without crippling government. Consequently, in early 2003 the newly elected Kenyan government had to choose carefully from among many different targets and then establish strategic beachheads from which to retake and reform our institutions.

The first strategic target was the Office of the President. Having declared a "zero tolerance" policy on corruption and pledged to lead the fight from the top, President Kibaki created a new anti-corruption department headed by a Permanent Secretary reporting directly to him. To lead the new department he appointed the former head of Transparency International in Kenya, John Githongo.

Other strategic targets for the new government were the judiciary and, to the surprise of many, football. As part of what he promised would be Kenya's "Second Liberation", President Kibaki stated in his inaugural address to Parliament in February 2003 that:

"... my government also plans to take sport more seriously. Not only is it an important pastime but Kenyans are good at it. Success in sport 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*."

One of the first and courageous anti-corruption actions by the new government was in football. In mid-February 2003 the government withdrew the national U17 team from the African Youth Football Championships because KFF officials knowingly recruited and fielded overage players. Although other countries had previously been banned from international competitions for overage cheating, this was evidently the first time in world football history that a government *voluntarily* withdrew and disbanded its national team.

As elsewhere in the world, football in Kenya is the most popular national sport. But it is also nationally notorious for corruption. The sums involved are not large compared to the grand corruption in other sectors. For example, in July 2004 three former top KFF officials were charged in court with the theft of Ksh 55 million (\$740,000) which is enough to support our Premier League and national team for an entire year. But in just one of the larger government scandals the reported losses were over Ksh 100 *billion* (\$1.3 billion). For most Kenyans with monthly family incomes with only three zeros whose daily purchases have only one or two zeroes, it is difficult to grasp a sum which has *eleven* zeroes.

But the poor majority of Kenyans easily identify with the theft of Ksh 55 million in football. That is why a cleanup of corruption in Kenyan football is a strategically important goal in itself and for the larger anti-corruption campaign. Accelerated efforts to prosecute corrupt KFF officials and implement other measures to stop of corruption in football will help regain some public confidence. It will also encourage anti-corruption efforts in other sports, in other key sectors and in other African countries.

The over 30 million people in Kenya and 600 million in Africa need and deserve corruption-free football *and* corruption-free government.

What can this conference do about corruption in sport?

Out there on the frontlines in the fight against corruption in sport, it can get rather lonely and discouraging. So I will conclude with a few suggestions on what this conference can aim at doing about corruption in sport.

1. Endorse a strict 'zero tolerance' policy against all forms of corruption in sport.
2. Expand the Play-the-Game international news service for exposing corruption in sport.
3. Establish annual awards for the best investigative journalism on corruption in sport.
4. Strengthen the Play-the-Game international networks for linking and supporting those fighting against corruption in sport.
5. Develop a series of key indicators for use in national and international surveys on the scope, scale and negative impacts of corruption in sport.
6. Establish annual awards for honouring those fighting against corruption in sport *and* for shaming the villains (e.g. a Hall of Fame *and* a Hall of Shame).
7. Prepare and publicize a 'Corruption-Free Sports Code' for adoption *and* implementation by national and international sports organizations (e.g. FIFA Fairplay Code).
8. Create an international capacity for monitoring, assessing and reporting on compliance with the 'Corruption-Free Sports Code'.
9. Involve former and current top athletes in different sports in an international coalition *for* corruption-free sport (e.g. members of the World Sports Academy).

Stealing the future of our youth and sport

When fighting against corruption in sport there are many times, especially after being unfairly attacked yet again in the media, when you get tired and tempted like the candidate during a bitter election campaign who made this proposal for a cease-fire: "If my opponent agrees to stop telling lies about me, then I promise to stop telling the truth about him."

Despite the unfair personal attacks on your motives and character, the recurring temptation to abandon the match must be resisted. Among the *less* nasty names your opponents will hurl at you is the accusation that you are too "stubborn" and too "unreasonable". When they say that, don't get sad or offended. That simply means they are finally taking you seriously.

When accused of being "unreasonable", be reassured and take comfort in the wisdom of an anonymous member of the Society for Protecting the Rights of Unreasonable People who said: "Reasonable people try to change themselves and adapt to the world. Unreasonable people try to change the world. That is why human progress *depends* on unreasonable people."

After years of struggle against corruption in Kenyan football, it is a great relief to attend this conference. Jens Andersen and his exceptionally hardworking team deserve our thanks for their persistence in finding and bringing together so many good and unreasonable people from around the world.

I will conclude with this parting thought. When facing unsporting attacks and tempted to abandon the fight against corruption in sport, remember that corrupt officials are not just stealing money and other undeserved benefits. They are also stealing the future of our youth, the future of our athletes and the future of our sport.

That is why no one should stay on the sidelines or remain seated in the stands. That is why the fight *for* corruption-free sport must *never* stop.