

**PRIVATE &
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Governance Challenges at SAFA
Dennis A. Mumble
May 2020

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account ...

United Nations Economic and Social Commission

1. Background – The Need to Transform the South African Football Association

a) The Pickard Commission of Enquiry

In 1996, the South African Football Association (SAFA) was thrown into a crisis brought about by widespread complaints of financial mismanagement, maladministration, abuse of power, allegations of corruption and a fractious relationship with the National Soccer League (NSL).

Then-President Nelson Rolihlahla Mandela decided to appoint a Commission of Enquiry, headed by Judge Benjamin Pickard, to look into the affairs of the Association and to make recommendations for action to the Government.

The terms of reference of the Commission included the following:

- i. Whether any financial mismanagement or malpractice by SAFA or the NSL or any Member or employee can be found;
- ii. The role played by Awesome Sports International Limited (ASIL) and its relationship with SAFA or the NSL;
- iii. Any improper conduct and/or corruption by members or employees of SAFA and the NSL;
- iv. Any malpractice or abuse of authority or position by members or employees of SAFA or the NSL;
- v. Steps to be taken to prevent the occurrence of financial mismanagement or malpractice by SAFA or the NSL;
- vi. Steps to be taken to improve the administration of SAFA and the NSL in women's football, rural areas and competitions;
- vii. Whether the National Professional Soccer League (NPSL) and the NSL should be integrated and whether any other steps need to be taken to restructure the administration of soccer in South Africa;
- viii. Any act or omission since 1993 that may suggest criminal liability by SAFA or the NSL or their members or employees or any other person; and

ix. Any other relevant steps.

The Commission began its work on 30 May 1996 and issued its report on or about 17 January 1997¹. Its recommendations are summarised as follows:

- i. That a meeting, chaired by an independent person, of all football role-players in the country be called to canvass all issues; change the whole constitution of SAFA in line with what is perceived a democratic basis, if necessary; to find consensus on a level where both professional and amateur football are properly represented on the SAFA Executive and committees *“in such a fashion that neither one can have control of the situation and be in a position to promote their interests to the detriment of the interests of others.”*;
- ii. That the principle of a full-time Executive President is simply not acceptable and that the President of SAFA should be a man of *“utmost integrity with a love for the game of soccer who has no financial interests by way of salary or any perks arising from his position. He must be a person who is willing to do the job for the mere love of the game and who is financially so independent that he cannot be coerced into any decision by offers of benefits to himself.”*;
- iii. That a full-time Chief Executive Officer be appointed *“to attend to the day to day affairs and negotiations on all levels on behalf of SAFA.”*;
- iv. Furthermore, *“No committee member or executive member shall be entitled to any compensation whatsoever save for the payment of expenses when required to attend meetings or the like or to do specific things.”*;
- v. *“Representation on the committees should be entrenched in such a fashion that neither professionals nor amateurs can ever exercise a majority vote”*;
- vi. Personal advantages must be absolutely prohibited, whether it be by bursaries or any other means;
- vii. That Mr Morewa, the then President of SAFA be removed from office immediately;
- viii. That SAFA should show a much greater interest in women’s soccer and provide equal opportunities to the women’s game and that a similar meeting be held for women as has been recommended for the men’s game.

During April 1997, SAFA hosted the biggest lekgotla (conference) in the history of South African football in line with the recommendation of the Pickard Commission. The matters raised by the Commission – and more – were thoroughly dealt with in that lekgotla and a set of recommendations were handed to a new SAFA Executive to implement these decisions.

Dr Danny Jordaan became the most enthusiastic supporter of the Pickard Commission’s recommendations and pledged to implement it vigorously when he took over just over one month after the lekgotla.

In the years that followed, Dr Jordaan would unfailingly remind everyone that the Commission’s recommendations had the force of law as it was from a judicial panel headed by a sitting Judge and appointed by the State President in terms of the Commissions Act 8 of 1947.

¹ See Annexure A – Report of the Pickard Commission of Enquiry into the South African Football Association and the National Soccer League

However, the Commission stated on page 3 of its report that:

At all relevant times the Commission was mindful of the fact that by the very nature of its mandate, read with the provisions of the Commissions Act and the Regulations promulgated for purposes of the Commissions by the President, it was not a court of law nor a police department, but merely a commission of enquiry to investigate certain matters and then, having done so, to report its views to the President.

The SAFA National Executive Committee nevertheless went about implementing the Pickard Commission Recommendations under the next 2 Presidents to varying degrees – under very strong pressure from Dr Jordaan.

However, as will be shown in this report, Dr Jordaan has made an about-turn on the actual implementation of large parts of the recommendations that he championed when he was the Chief Executive Officer of SAFA.

But first, it would be instructive to provide a context for the *raison d'etre* for this document by pointing out certain key historical landmark events and practices to arrive at an understanding why I claim that, under Dr Jordaan, the South African Football Association is reversing all the democratic gains it has made over the past two decades.
[Please see my cover letter to the Members of the SAFA Council wherein I recommend action be taken by them to correct this matter]

In 2009, a large number of concerned football officials joined forces with Dr Jordaan in advocating for a radical change in the manner in which South African football was being governed. The technical progression of the game in South Africa seemed to have stagnated, the top leadership was perceived as having grown tired and contributing very little to internal debates on how to improve the overall lot of South African football and there was a general lethargy that had to be arrested in the interest of improving the game.

The group worked with many colleagues and SAFA Members throughout the year and finalised a manifesto acceptable to the vast majority of SAFA's Members and distributed it widely throughout the Association.

Below is a brief outline of some of the provisions of the manifesto which encapsulated the core principles of SAFA's foundational priorities:

b) Manage a Successful Return from Isolation

After decades of isolation from world football, the task of reintegrating into the world football community through the Federation Internationale de Football Associations (FIFA) and the Confederation of African Football Associations (CAF) had to be achieved. There was a need to develop a sound technical platform to enable South Africans to successfully compete in international competitions.

This adjustment period culminated in South Africa's victory in the 1996 African Cup of Nations hosted by South Africa. The victory served as a rallying cry for the nation and instilled a great degree of self-confidence in the national psyche by presenting the country as "a winning nation" so soon after its readmission to the world football community.

c) Getting Rid of Corruption and Personality Politics in Football

For a long time, South African football was so dominated by powerful personalities that its public image was indistinguishable from that of these personalities. Who can forget the time when all of football was so thoroughly dominated by the single personality of Mr George Thabe?

The football unity talks were at various times held hostage by the politics of personality to the point where the newly formed, united SAFA, took a conscious decision against subjecting football to the politics of personality. which saw the sport effectively run by its overpowering personalities.

The transformation charter consisted of detailed statements and action plans in the following areas (the full manifesto is available on request):

d) Establish a Culture of Accountability

We [SAFA's Members] must decide whether we want just another ordinary election where candidate lists appear mysteriously and are based on loyalties to individuals and promises of personal gain or an election where candidates will pledge to implement programmes based on principles that are beneficial to the Members of the organisation.

In other words, do we want an election that will transform our organisation and hold people accountable for their actions?

If we choose change for the sake of change alone, then we must be satisfied with the past 4 years of mediocre administration of our sport.

e) Deepen Democracy in SAFA

If we were to choose **total transformation**, then we must:

- *Demand total adherence to the letter and spirit of the SAFA Mission Statement.* We think that the SAFA Mission Statement [developed under the leadership of Dr Molefi Olyphant] is still valid and a visionary statement, the spirit of which has not been implemented;
- *Establish new and innovative ways to grow our sport and become more competitive internationally;*

- Establish better ways to ensure that our Members are seen as the pillars of our Association. We must *ensure that each Member becomes a viable entity* on its own;
- *Establish a Membership Affairs Department* to ensure the well-being of our Members at all times instead of a Provincial Affairs Department whose sole aim is to ensure that our Regions toe the line as dictated from Head Office;
- *Ensure that the FIFA World Cup (FWC) leaves a long-lasting legacy* for our Members and that the FWC profits are used for the development of our Members and not disproportionately distributed to certain Members and individuals;
- Establish a new culture of accountability to our Members through regular structured reports to and from them that will enable them to take ownership of this Association once again;
- We seek to deepen democracy in our organisation by *broadening the representation of Members* in our national structures. We therefore demand the restructuring of our organisation to take into account the changes that have been made in the composition of the organisation's membership. Accordingly, we propose that the NEC consist of:
 - 2 elected Members from each province (18);
 - 8 elected Members on the National List;
 - 4 Vice-Presidents, each one accountable for: (i) Professional Football, (ii) Development and Competitions, (iii) Finance and Administration and (iv) Schools football; and
 - The President, who shall take primary responsibility for International Affairs;
- Ensure better *accountability in the financial management* of the Association;
- *Establish new ways of developing partnerships* with government and the corporate world that will directly benefit our Members to assist in their continued growth and development;
- Establish new ways to *get parents of our children involved* in the sport on a day-to-day basis;
- *Clean up the battered image of the sport* by partnering with the media on programmes designed to stabilise the relationship between us and the media on the basis of principled engagement and transparency in our management and leadership styles;
- *Respect our sponsors by cleaning up our image* and providing them with products they would feel proud to be associated with;

- *Rid ourselves of the nepotism and cronyism* that has established itself at the highest levels of our football structures;
- *Demand better corporate governance* and adherence to the basic rules of corporate governance which prohibits nepotism, cronyism and *undue personal benefit from the Association's resources*;
- *Demand complete adherence to FIFA's Code of Ethics* and other FIFA Rules that ban racism, conflict of interest and other bad management practices;
- *Ensure a different way of engaging international football structures* by being more proactive in our interactions with COSAFA, CAF and FIFA and establishing sustained relationships with sister football associations to enable our players, referees, coaches and administrators to benefit more from these interactions and affiliations. We must no longer send delegates to international meetings for the purpose of attending only but require positive input and reporting back to our structures on these interactions;
- *Demand higher levels of integrity and honesty* from our football officials whereby they will *no longer serve individuals but the best interests of SAFA as an organisation*. We therefore call upon all our elected officials to sign an oath of office, which oath shall be kept for accountability purposes. This oath is available upon request, but can be viewed in the SAFA Electoral Code as it was incorporated into the Electoral Code in 2013;

In the ensuing years, the Association set out to implement these principles by doing the following:

- Requested football technical and governance support from FIFA (2009/2010);
- Adopted a Technical Master Plan which eventually became our National Development Plan;
- Updated the outmoded SAFA constitution in accordance with the FIFA Standard Statutes (2011) and establish Standard Statutes for all SAFA Members (2012/13);
- Restructured the National Executive Committee (2012);
- Outsourced SAFA's financial management by establishing a financial platform;
- Improved the productivity of the National Executive Committee through a well-structured agenda (2009) and active oversight committees (2010);
- Restructured the bloated Secretariat and eliminated nepotism from the Administration (2012);
- Improved the Regulatory Framework of the Association (2011-2013);
- Adopted an Electoral Code in accordance with FIFA requirements and incorporate an integrity pledge in the Electoral Code (2013);
- Ran governance workshops for the National Executive Committee (2011-2014);
- Separation of powers between Executive and CEO/Administration, Oversight, Policy Development, Corruption, etc; No more nepotism, cronyism, and unethical behaviour.

2. Giving Effect to the Transformation Programme

On 27 August 2010, the SAFA National Executive Committee (NEC) received an insightful presentation from Prof. Michael Katz, South Africa's preeminent tax and corporate governance expert².

The main thrust of Prof. Katz' speech was the applicability to SAFA of the Companies Act and the King Code of Corporate Governance. In previous workshops, dating as far back as 2004, SAFA has always pledged adherence to the King Code of Corporate Governance and even invited one of the original authors of the Code, Mr Richard Wilkinson – a keen sports administrator himself – to present the Code to the SAFA NEC.

In his speech, Prof. Katz emphasized a number of commonly accepted norms in corporate governance circles. Chief among these norms mentioned by Prof. Katz are the notions of accountability through separation of powers, that SAFA is covered under the new Companies Act which has incorporated the King Code of Corporate Governance and the avoidance of cliques on the board (NEC). This speech is especially helpful to highlight the challenges faced by SAFA at this time – as foretold by Prof. Katz.

My concerns are therefore rooted in the many contradictions emerging from a leadership who preach good governance to all its followers, but who are unable to practice these good governance principles themselves. The false dictum "*do not do unto me what you do unto others*" is applicable here.

Coupled with an abusive, intimidating, intolerant personality and a propensity of a President who delights in belittling people in public, the Association is on a road to a divided state that could prove difficult to repair.

The Preamble in the SAFA Statutes recognises that there was an

"urgent need to fulfil the historic task of unifying the different football organizations in preparation for a united, democratic, indivisible and non-racial South Africa and the need to defend the democratic gains and to transform South African football to be in line with democratic values underpinning the South African Constitution and to be world class."

The Preamble further refers to some of the democratic values underpinning the South African Constitution as follows:

² Annexure 1 -- Presentation from Prof Michael Katz

“people enjoy the principles of democracy, accountability and transparency; all people enjoy freedom of association, freedom of movement ...”

However, over time, a leadership who brook no opposition and who had lost all sense of focus on this mission of the organisation emerged, becoming more and more obsessed with personal power which maintains itself through patronage, intimidation, gossip and divisive tactics that betray the objectives of the SAFA Statutes. The South Africa media is filled with published threats of suspension or expulsion from the Association because people dared to complain about non-payment of fees owed to them or questioned the leadership of the Association.

Practices that skirted the boundaries of decency, unity and working on behalf of the collective predominated. The development of an imperial Presidency that has become more and more paranoid and distracted by conspiracy theories rather than understanding the true nature of the technical task at hand was an inevitable result.

More specifically, these contradictions expressed themselves through:

- i) Constitutional Development in SAFA Through Trial and Error, including manipulation of electoral processes to gain personal advantage;
- ii) Irresponsible financial management;
- iii) Blurring of personal and organisational boundaries with scant regard for organisational brand management, and
- iv) Establishment of an Imperial Presidency, including the imposition of an Executive Presidency;

The President has routinely intervened in the work of the Secretariat **in clear violation of one of the prescripts of the SAFA Statutes as expressed in Article 40.1 of these Statutes**, the spirit of which precludes the SAFA Council or the SAFA Management Board – or any other committee or person from taking any decisions that fall within the remit of any other committee or body of the Association.

The General Secretariat is a body of the Association in terms of Article 19.5 of the SAFA Statutes and the role of Chief Executive Officer of SAFA is clearly stipulated throughout SAFA’s Statutes, Rules and Regulations³.

Article 66.2 of the SAFA Statutes states that *“The General Secretary is the Chief Executive Officer of the Association and the accounting officer of SAFA.”*

It is therefore a commonly accepted norm that the CEO must be given adequate authority to fulfil this function without overbearing interference by the NEC / Council or any one of its Members.

³ Annexure 2 -- Constitutional Role of the CEO of SAFA

However, corporate governance is commonly understood to be that which the President dictates – despite the rules. A compliant and largely sycophantic executive generally acquiesces – often *post facto* – to unilateral decisions taken by the President, as the contents of this memorandum will show. He has a penchant for conducting voting by round-robin when he wants to avoid debates on important matters. Some Members of Council have expressed to me that they would not vote by round-robin as they would be unable to apply their minds to the matter at hand without full debate and explanation.

3. Constitutional Development in SAFA through Trial and Error – One-Upmanship

A lie doesn't become the truth, wrong doesn't become right, and evil doesn't become good, just because its accepted by a majority.
Booker T. Washington

a) The Evolution of the SAFA Charter (Constitution / Statutes)

As is the case with most organisations, the organisation charter (the constitution, or statutes, in the case of football) serves as the governing instrument of the organisation. Members are expected, by law, FIFA and other codes of good governance, to adhere to the principles set out in the charter.

It is an evolving set of principles intended to mirror the developing organisational culture, set within a broader legal framework, such as the Companies Act, the Department of Social Development's Code of Good Practice for South African Non-profit Organisations (2001), the Non-profit Organisations Act No. 71 of 1997, Public Benefit Organisations under the Income Tax Act No.58 of 1962, SANGOCO's Code of Ethics for Non-profit organisations (1997), the Independent Code of Governance and Values for Non-profit Organisations in South Africa (2012) and the FIFA Statutes.

The first major realignment of the SAFA constitution occurred in 1997 following a crisis of confidence in the Association which resulted in the forced resignation of its 3rd President following the report of a judicial commission of enquiry into the affairs of the Association.

Amongst other things, this revised constitution included new principles that took a deliberate step away from the concept of an Executive Presidency by creating the role of Chief Executive Officer to ensure a respectable distance between the oversight and operational structures of the organisation and to professionalise the administration of the Association.

Dr Danny Jordaan was appointed the first Chief Executive Officer of SAFA in May 1997 and was tasked with implementing these new principles.

Also, in 1997, I was asked by Dr Jordaan to develop a role description of the Chief Executive Officer of SAFA. I extracted the core description from the FIFA General Secretary's job

description and added that to the clauses already in the SAFA constitution outlining the role of the Chief Executive in various institutional processes. The CEO's job description was later incorporated into the SAFA constitution.

The second major adjustment of the constitution occurred in 2008 when related clauses were grouped together and regulatory elements moved to associated documents in the form of regulations. These revisions retained the concept of a non-Executive President and a statutory role for the CEO.

The 3rd major overhaul occurred in 2011 when the constitution was aligned with the FIFA Standard Statutes. This was required by FIFA in an attempt to create a uniform set of football governance standards around the world.

Minor changes were effected after that to give further clarity to certain clauses and to refine it further in line with instructions from FIFA⁴.

Key among the FIFA recommendations were:

- i) That Executive Members should not be allowed to vote in the SAFA Congress;
- ii) That the number of meetings of the National Executive Committee (NEC) should be limited following FIFA's approval of a 32-member NEC;
- iii) An emphasis on the separation of powers;**
- iv) That the size of the NEC be reduced to approximately 18 members by 2016;

Principle 2.18 of the King III Code of Corporate Governance [and subsequent updates] states that:

The board should comprise a balance of power, with a majority of non-executive directors.

The majority of non-executive directors should be independent.

Balance of power is important in the interest of objectivity and having a balance of views at governing body level. Good corporate governance practice requires that the governing body act in the interest of the organisation and not only in the interest of some of its stakeholders. Independent and diverse views are imperative for the effective functioning of the governing body.

This clause is clearly an attempt to prevent majoritarianism from dominating the conduct of organisations.

b) Majoritarianism and Abuse of Constitutional Processes

SAFA's Statutes (constitution) serves as the supreme internal law of the organisation. It consists of a set of founding principles intended to guarantee implementation of the

⁴ Annexure 3 -- FIFA Correspondence on Constitutional Amendments

universal principle of football development, under a common set of rules, as articulated by the Federation of International Football Associations (FIFA).

The SAFA constitution was fully aligned with the FIFA Standard Statutes in 2011 and gives expression to the aims and objectives of both SAFA and FIFA. Whilst constitutions are living documents reflective of the collective culture of those that it seeks to guide, constitutional principles are rarely changed on a whim.

Whilst SAFA's parliamentary instrument is *Robert's Rules of Order*, which rests on the principles of majority rule, majoritarianism is nevertheless considered an abusive form of governance. Some events in the recent history of SAFA suggests that this may indeed be the case, which is a direct **violation** of the recommendations of the Pickard Commission of Enquiry.

Whilst I agree that those individuals who *irresponsibly* resisted the changes that the majority sought should be disciplined (or convinced otherwise), enlightened leadership commands the ability to discern when discipline instead of persuasion is necessary. As I will point out below, the "tyranny of the majority" is quite evident in the manner in which the Association's business has been conducted in recent years.

ii) Example #1 – Practising Majoritarianism – Eliminating & Demonising Political Opponents

1. Mini Case Study – SASFA

For example, in 2013, Mr Mandla Mazibuko, the President of the South African Schools Football Association (SASFA), a Member of SAFA, ran for the Presidency of SAFA against Dr Jordaan. Some harsh exchanges occurred between the two candidates during that campaign. Dr Jordaan, with most of his followers, then actively undertook to isolate Mr Mazibuko from SAFA structures.

By 2015, the groundwork was laid to "deal" with Mr Mazibuko and SASFA. An extraordinary Congress was convened where Mr Mazibuko was met by a few NEC Members before the commencement of the Congress and informed that a decision will be taken to remove SASFA's oversight of school football in the country. It was just a matter of time before the majority of the SAFA Members, already previously lobbied by Dr Jordaan, took a decision to remove SASFA as a Member of SAFA. Of course, a "process" was followed, but it was concerning because it came not too long after Mr Mazibuko's candidacy and could have been achieved through an accommodation with SASFA. This was accomplished by September 2015 following a protracted battle to bring the two parties together to discuss a joint approach – rejected by SASFA.

The net result is that schools football has been mired in legal battles for more than 3 years and has stagnated as a result. Sponsors have fled and SAFA's Members are not ready to roll out schools football in their areas – despite claims to the contrary.

With both sides remaining belligerent in this battle, football in schools became the casualty and the matter could have been resolved through other means such as mediation. Whilst it is my view that the majority was not incorrect in their objectives to improve schools football, the practical reality turned out quite different from the wishes of the majority.

2. Mini Case Study – Relationship with the National Soccer League

Dr Jordaan has for years championed the notion that the Association should never again be dominated by the League and has spearheaded many efforts to prevent it. For instance, he was the architect of two provisions in the SAFA Statutes that prohibits the Chairman of the League from becoming the President of the Association. Article 25.2 renders the Chairperson of the League ineligible for the Presidency of SAFA and Article 37.9 prohibits the President from owning a club, or having any interest, financial or otherwise, in a club.

Whilst Dr Jordaan has used the obvious reference to the past difficulties of League leaders (such as Mr Thabe mentioned above) and their effect on the reputation of the Association, along with potential conflicts of interest, it is common cause that much of the leadership of SAFA has been convinced that, by default, SAFA's #1 enemy is the National Soccer League (NSL, or the League).

Given the peculiar history of South African football, the public image of the sport was in the past dominated by the leadership of its professional wings. It is therefore easy to see that when those individuals' images were tainted, it affected the image of the sport in the country as a whole.

It has therefore been a long-standing expectation that SAFA should be dominated by its Regional Members as a means of preventing past reputational pitfalls arising from the state of the professional wing. SAFA's constitution was adjusted to maintain this dominance of the SAFA Regions to reflect the will of the majority.

However, the influence and the impact of the League on South African football was not to be underestimated, and the League was given special status as the only Special Member of the Association. A Memorandum of Understanding was signed between SAFA and the League soon after unification of the 4 disparate professional leagues.

The new status of the League was, in part, to recognise the special role that the leadership of the League played in the unification of South African football.

As time passed since the unification of South African football in 1991, the lingering mistrust persisted and several attempts were made over the years to restore this trust. The last major attempt to rid South African football of this climate of mistrust was in October 2010.

A Special Committee on Relations Between SAFA and the NSL, consisting of former Presidents, Dr Molefi Olyphant and Prof. Lesole Gadinabokao, former NEC Members, Mr Veli Mahlangu and Mr Goba Ndlovu, with me as the Secretary to the Special Committee, was appointed by the SAFA NEC to find a suitable way forward regarding relations with the

League. I authored, based on weeks of deliberation by the Special Committee, a document outlining the background and how to manage the relationship with the League⁵.

The Report of the Special Committee was subsequently approved by the SAFA NEC and matters have since been managed in accordance with the principles contained in that report.

However, from personal experience, Dr Jordaan has continued to warn SAFA's Members of the innate demon that is the NSL and to always be wary of things emanating from the League. The popular narrative amongst SAFA's Members is that the League still harbours designs to dominate SAFA – at their expense – and that they should continue to be wary.

These actions run counter to the recommendations of the Pickard Commission which clearly warned against one side dominating the other side.

The League has also variously been blamed for SAFA's lack of sponsorship due to the League crowding the sponsorship market with its content. Dr Jordaan has mentioned this in an interview on NewzRoom Afrika as recently as 8 May 2020. However, my pleas have fallen on deaf ears for SAFA to deal with the lack of competition in the broadcast sector and the onerous Government regulations that prohibit SAFA's properties from realising its full potential.

The Independent Communications Authority of South Africa (ICASA) has long dictated that the national team broadcast rights must be given to a free-to-air broadcaster, thereby preventing the Association from entering into lucrative deals with subscription broadcasters.

The SABC monopolises the free-to-air sports broadcasting space with a business model that does not generate revenues matching the popularity of the sports it airs. As a consequence, SAFA cannot extract proper value from its rights and had to accept the SABC's rights fee. This has had the effect of artificially constraining the value of the national teams' broadcast income.

The League has secured a very lucrative rights fee for its broadcast properties with MultiChoice, the subscription broadcaster. When we approached MultiChoice to air SAFA's properties they made it quite clear that they were under pressure from ICASA to avoid monopolising the country's premier sporting code. This proved to be true as reflected by ICASA's recent hearings on whether SuperSport, the MultiChoice sports platform, was monopolising sport in the country.

Understandably, both SAFA and the League objected to ICASA's plans to mandate that the League and SAFA properties be given to a free-to-air broadcaster (meaning the SABC) as it would severely handicap the sport's income and subsequent development in the country.

⁵ Annexure 4 -- Report of the Special Committee on Relations Between SAFA and the NSL

However, instead of placing emphasis on this structural deficiency in the broadcast market and lobbying government for less stifling legislation, the SAFA leadership has ascribed this phenomenon to the League and has pursued an independent approach to this challenge – failing to coordinate this effort with the League.

This is one of the outcomes of this majoritarian approach. There are other examples where dissenting voices on policy have been drowned out by this attitude.

3. Mini Case Study: The Tendai Ndoro Matter – Working Against the Interest of a SAFA Member

In accordance with Article 66.4.7 of the SAFA Statutes, the CEO is responsible for relations with the Members, committees, FIFA, CAF, COSAFA and SASCOC.

It has therefore been common practice that for the previous 5 years I had attended the Annual General Meeting of the National Soccer League (NLS, or the League), sometimes with one of the Vice-Presidents, and generally met with representatives of the League on a regular basis in accordance with the mandate given to me by Article 66.4.7 of the SAFA Statutes.

On or about 7 February 2018, whilst at the FIFA Executive Summit in Qatar, I received a note from the SAFA GM: Corporate Services regarding the League seeking clarity on a provision of the SAFA and FIFA Players' Status and Transfer Regulations that regulates for how many teams a player can fielded in any one season/year.

I hurriedly sent a note to the League indicating my interpretation of that rule and also said that I would ask the FIFA Players Status Department for their opinion on the matter. I later received an opinion from the FIFA Players Status Department which was the same as my interpretation and sent that along to the League.

Since I was having lunch with the President and the COSAFA President, Mr Philip Chiyangwa and Mr Andrew Kamanga, the Zambian FA President, I shared my response with the President, indicating that it was based on the *SAFA Regulations on the Status and Transfer of Players*.

The case dragged on for several months due to challenges from the club involved, Ajax Cape Town, who was legally represented by Mr Norman Arendse, SC.

A judge of the Gauteng High Court ruled that the matter should be referred back to arbitration (under SAFA's jurisdiction), which meant that I would have to select an arbitrator for the case as required by Article 81 of the SAFA Disciplinary Code and Grievance Procedure. At one point in this process, I attended a meeting convened by the League to discuss the potential impact on the League's final fixtures for the 2017-2018 season and the commencement of the 2018-2019 season. The case threatened to delay the kick-off of the 2018-2019 season.

Since the Association's rules (and an opinion from FIFA) supported the League's stance in this case, it was imperative that we coordinate our efforts, especially in lieu of the pending 2019 CAF Africa Cup of Nations scheduled to take place in June-July 2019. It was therefore in the interests of the Association and the League to make sure that the 2018-2019 season kicks off on time.

On my return from the meeting with the League, I was confronted by the President, who told me that I had no authority to meet and agree with the League on this matter as it was a legal matter and that Mr Arendse – who represented one of the contending parties – had appealed to him to intervene in this matter. I told the President that I disagreed with him on this matter as it was a clear-cut case and that Ajax Cape Town's position was in **violation** of the FIFA and SAFA rules. But, he insisted that I had no authority to agree with the League.

This was another instance of the disdainful way in which the President of the South African Football Association has treated the rules of FIFA and the Association.

4. Mini Case Study: Making a Mockery of the Club Licensing Process

In 2012, the Association set out to revise its club licensing regulation to comply with a directive from the Confederation of African Football (CAF).

The new Regulation included a first-instance body to consider applications for licenses and an appeal body to hear any appeals from clubs who may be dissatisfied with any decisions of the First Instance Body.

After much argument during the finalisation of the FIFA-aligned SAFA Statutes in 2011, it was agreed that the League would be allowed to continue running its own club licensing system. This provision was subsequently included in the SAFA Statutes as Article 80.3.

The SAFA Extraordinary Congress of 23 August 2013 decided that the Club Licensing Regulations, although approved by the SAFA NEC in 2012, should be deferred for further discussion at a future congress. However, the Regulation, having already been sent to CAF by the 2012 deadline set by CAF, remained in force as approved by the NEC.

Sometime during 2015, the President called me to his office where he was in a meeting with Vice-President Irvin Khoza. He asked me to ensure that the League is able to appoint its own First Instance Body and that the Association should appoint the members of the Appeals Body.

On 22 March 2016, I wrote to the League to ask it to submit the names of the Members of the First Instance Body in order for us to comply with a FIFA and CAF request. The League then sent us the names of its First Instance Body members.

Several years ago, I appointed Ms Pinky Lehoko, who had nearly two decades of experience in this area and who laid the foundation of the procedures for player registration that FIFA eventually adopted, as the National Club Licensing Manager on the request of CAF to appoint an administrator to oversee this process.

FIFA hosted a Regional Club Licensing Workshop in Johannesburg on 22-23 March 2016 and SAFA participated based on that agreement reached between the President and Vice-President Khoza. Mr Derek Blankensee and Prof. Ronnie Schloss represented the League in this workshop.

However, during a CAF Regional Club Licensing Workshop held in Johannesburg in 2018, the President summarily entered the meeting and informed them that he had appointed Mr Tebogo Motlanthe as the Club Licensing Manager **in violation of Article 66 of the SAFA Statutes.** Mr Motlanthe had no experience in the very specialised field of club licensing. Unfortunately, I was not at the workshop at the time because I had to attend to a last-minute change in venue for a Council meeting. Suffice it to say that I was also a CAF Club Licensing Instructor and knew the requirements of this role.

The President also proceeded to inform Mr Ahmed Harraz at CAF headquarters of his action. He also denied having any knowledge of the League's appointment of its own First Instance Body for Club Licensing – even though he issued the instruction for the League to do so.

Needless to say, this contradictory behaviour, similar to his conduct in the matter of Player Tendai Ndoro, referred to above, caused massive confusion in the implementation of these vital systems of the Association.

iii) Example #2 – The Abuse of Majoritarianism – Circumventing Due Process

In 2017, the SAFA Legal & Constitutional Affairs Committee could not finalise a series of constitutional amendments specifically requested by the President. The amendments were then prepared by the Deputy Chairperson of the Legal & Constitutional Affairs Committee, Mr Simphiwe Xaba – without my input, as rudely directed by the President – even though the Secretariat had compiled a series of anomalies that needed to be corrected in the Statutes.

The amendments were intended to change certain terms in the SAFA Statutes to align with FIFA's new nomenclature (e.g. "Council" instead of "NEC"), to improve female representation in SAFA structures, to streamline election processes, to give effect to the President's wish that the Vice-Presidents must be elected by the SAFA Council, to create a Group CFO because the President did not like the incumbent CFO as I had refused to terminate the services of the CFO, to revise the standing committees, to remove the power of the CEO to hire the CFO and COO and to place these two positions under his direct authority.

The SAFA Members approved the changes -- without a revised list of standing committees that the President wanted. Mr Xaba did not include it in his presentation. This is quite important to note as later, in 2018, the President used these 2017 proposals to unilaterally revise standing committee structures – even though this was never presented to the

Members at the October 2017 Congress⁶. This can be confirmed by a reading of the transcript or listening to a recording of the 21 October 2017 Extraordinary Congress.

Additionally, Mr Xaba mistakenly left out the section outlining the structure and function of Provincial Executive Committees, leaving out a major section that would later complicate the conduct of elections in the Provinces in 2018.

Mr Xaba also failed to resolve a contradiction between Articles 25.17 and Article 32.1.6, both of which impact the election of Provincial Representatives to the SAFA Council. The President wanted to ensure that his allies in the 9 Provinces remained on the Council by ensuring they are elected during the planned elections of 2018.

Moreover, the constitutional amendments were also not properly processed, despite my objections, as the President decreed in his usual belligerent manner, that the amendments from Mr Xaba should be sent directly to the Members for consideration by the Extraordinary Congress of 21 October 2017 and not to the SAFA NEC first.

Vice-President Mr Elvis Shishana raised his objections to this process at the NEC Meeting on 20 October 2017, but his objection was dismissed by Dr Jordaan, who reasoned that the amendments were approved at the previous NEC Meeting. It must be noted here that the NEC did not approve the text of the amendments served before Congress as it had not seen it before, and this can be witnessed by the omissions and errors that emanated from the 21 October 2017 Congress presentation, as described elsewhere in this document.

This was clearly unprocedural and **a violation of Article 29.2 of the SAFA Statutes**, which states that *“Any proposals for an amendment to the SAFA Statutes must be submitted in writing with a brief explanation to the general secretariat by a Member or by the SAFA Council.”*

When I pointed out some of the threats to the historical role of the CEO, the President dismissed it in his typically belligerent manner, rudely instructing me not to get involved in these matters.

The 2017 constitutional amendments were therefore not proposed by the SAFA Council nor by a SAFA Member.

iv) *Example #3 – The Abuse of Majoritarianism – Snap Elections by Any Means Necessary*

As the President had already made up his mind that snap elections be held in order to remove his two Vice-Presidents elected by the 2013 Congress, and because he saw himself appointing the new Vice-Presidents as per the changes approved on 21 October 2017, the instructions were that we should do whatever it took to ensure the early elections take place as planned.

⁶ Annexure 5 -- Summary of Statutory Amendments – October 2017

One of the candidates for the Presidency, Mr Andile Ncobo, argued that the 2013 Electoral Committee's term had expired, according to the SAFA Electoral Code. The President dismissed this and requested that we justify the continued validity of the Electoral Committee elected in 2013 as the intention was to install them as a permanent committee. However, the Electoral Code was not amended to reflect that and therefore the Committee could only serve one term.

We were nevertheless forced to find obscure reasons to proceed with the then Electoral Committee. Eventually, Mr Veron Mosengo-Omba, of FIFA, proposed that another Electoral Committee be appointed.

In March 2018, after the President deliberately undermined a legal case that I was working on with our Senior Counsel at the time, I threatened to quit out of sheer frustration at his continued unilateralism and disregard for due process and the role of the CEO, also causing us to waste a large sum of money on Junior and Senior Counsel's fees. I was asked by Ms Ledwaba, Mr Nkompela and Ms Tsichlas not to quit as there was an important elective Congress just ahead. I agreed on condition that the behaviour of the President be dealt with forthwith. This matter was indeed raised by Council on 28 March 2018 and a meeting between the Presidency and the CEO was scheduled for the next day, but it never materialised.

v) *Example #4 – Majoritarianism and the Abuse of Power*

Attached is a circular⁷ from the Acting CEO of the Association, dated 31 October 2018, wherein notice is given of the withdrawal in full of the Electoral Code as Amended in April 2018. **The notice is clearly illegitimate as only the SAFA Council has the authority to issue or withdraw regulations of the Association, as stipulated by Article 34.1.11 of the SAFA Statutes. This is also contrary to FIFA's mandate that all its Members MUST have an Electoral Code.**

Moreover, the proposed amendments for which the 1 December 2018 Congress was called were also not processed by the SAFA Council, but sent straight from the Legal & Constitutional Affairs Committee for the 2nd year in a row⁸, without it being processed and approved by the SAFA Council. This is a clear violation of Article 29.2 of the SAFA Statutes.

Contrary to the circular sent by the Acting CEO to SAFA Members on 31 October 2018, the proposed amendments sent to SAFA Members for consideration by the SAFA Extraordinary Congress of 1 December 2018, were not approved by the SAFA Council on 19 August 2017, **and is a violation of Article 29.2 of the SAFA Statutes.**

I attach the Minutes of the NEC Meeting of 19 August 2017⁹ wherein it was approved that the Legal & Constitutional Affairs Committee prepare a proposal to reflect the mandatory changes required as a result of the recent changes to the FIFA and CAF statutes.

⁷ Annexure 6 -- Circular to SAFA Members re Congress Agenda

⁸ Annexure 7 -- Reference from the Delegate Meeting Pack

⁹ Annexure 8 -- Minutes – Ordinary NEC Meeting – 19 Aug '17

Additionally, Mr Xaba and Mr Poobalan Govindasamy were mandated by the NEC to draft the necessary proposed amendments concerning the manner in which the Vice Presidents shall be elected, based on the CAF Model.

The NEC also rejected the CAF provision to limit the age of office bearers and asked the Secretariat to communicate this decision to CAF, who had included same in its amended statutes.

As the changes¹⁰ presented to Congress on 21 October 2017 indicates, all amendments sent to, and approved by, the 21 October 2017 Extraordinary Congress were not sent by a SAFA Member or the SAFA Council, and is a violation of Article 29.2 of the SAFA Statutes.

These examples are indicative of an Association whose leadership, chiefly in the form of the President, use the constitution of the organisation not to determine how best to govern the sport, but to settle political scores with their opponents. Surely, this style of leadership is an affront to the unifying objectives of the preamble of the South African Football Association?

Although the changes that FIFA requested in 2012 regarding the size of the Executive Committee, the voting rights of Executive Members and the separation of powers were approved at the 26 September 2015 SAFA Congress, these were never implemented.

Dr Jordaan decided that it was no longer advisable to implement these changes. His explanation to Council Members was that this was a creation of former FIFA General Secretary, Mr Jerome Valcke and was no longer feasible for South Africa – despite the SAFA Congress' approval in September 2015. The President informed me that FIFA itself had enlarged the size of its Executive and that meant SAFA could do the same.

The 2011/2012 FIFA instructions on the constitutional changes SAFA was required to make was therefore never implemented. It was a violation of a SAFA Congress decision of 26 September 2015, which was never revoked.

vi) *Example #5 - Manipulation of the 2018 Election*

Following our return from New York in April 2017, Dr Jordaan met Vice-Presidents Nhlapo and Shishana at a hotel at O.R. Tambo International Airport to brief them on the trip. Prior to my arrival, Dr Jordaan spoke to the two VPs, but was interrupted by the arrival of the President of the Tanzanian FA, Mr Malindi. He then asked me to continue with the briefing whilst he met with Mr Malindi separately. *[see my account of the trip to New York elsewhere in this document]*

However, when I gave the two Vice-Presidents the background to what transpired in New York, they were surprised by my report, asking for clarification because Dr Jordaan had given them a different version. Apparently, Dr Jordaan told them that we had gone to meet with US Soccer and failed to tell them of the meeting with the US Attorney for the Southern

¹⁰ Annexure 5 -- Summary of Statutory Amendments October 2017

District of New York (the real reason for the trip). They informed him that they were not pleased with his explanation of the trip. To my knowledge, that was the last time Dr Jordaan met these two Vice-Presidents.

It was not long after this meeting that he told me of his fear that his VPs were plotting against him and of his plans to surprise them with an early election to prevent them from gaining traction among the Members of the Association.

I was therefore not surprised when a proposal came from SAFA Umkhanyakude in Kwazulu-Natal calling for early elections. This motion was submitted 3 days after the constitutionally determined deadline. However, the late submission was subsequently condoned by Congress, in accordance with Article 27.6 of the SAFA Statutes. Congress also approved the motion to change the election date.

This is another example of the abuse of Presidential power. In 2015, the election date was changed *at the request of the President*, ostensibly because the Association needed to emulate FIFA's election cycle, but this rationale fell by the wayside because of the President's personal agenda.

Following the announcement of the early elections, Mr Andile Ncobo, a Presidential candidate, objected to the status of the Electoral Committee appointed by Congress in 2013. This led to the appointment of a new Electoral Committee and the postponement of the March 2018 elections to May 2018.

On 16 March 2018, the SAFA Council met and proposed the appointment of a new Electoral Committee, but erred in electing only 3 members instead of the minimum of 7 members as stipulated in the SAFA Electoral Code. I was busy with our lawyers in preparation for the upcoming case of an expelled former Vice-President and could not attend the Council Meeting. When I discovered the error, I informed the President who then asked that I conduct a round-robin approval process for additional members. This was approved by the majority of the Council on the same day.

I was then tasked with negotiating the acceptance and fees of the Electoral Committee. My first port of call was to engage Mr McCaps Motimele SC, a senior lawyer in the South African legal fraternity, nominated by the SAFA Council to serve as a member of the Electoral Committee.

On Saturday, 17 March 2018, I met Mr Motimele at the SAFA Office where he indicated that, due to the General Council of the Bar's rules prohibiting direct engagement of Senior Counsel by clients, he would not be providing his services as a Senior Counsel. However, he nevertheless insisted on being paid the same daily fees (ZAR45,000.00 per day) which was equivalent to his professional fees.

I then told him that I would consult with some people before confirming anything with him. After consulting with the President, we agreed that we could not afford Mr Motimele's fees.

In an informal meeting on Monday, 19 March 2018, the 5 nominees in attendance elected Mr Motimele SC as chair of the Electoral Committee and Ms Muditambi Ravele as Deputy Chairperson. The President attended this meeting.

However, all the nominees reasoned that the workload of the Committee would be too much to ensure that the nominations would be ready for the 24 March 2018 Congress – despite my explanation that the process does not take too long to complete as the timelines were specified in the SAFA Statutes and the SAFA Electoral Code. They nevertheless insisted, whereupon the President called for an urgent Council Meeting the next day (20 March 2018) to discuss the Committee's concerns. **In my view this was another example of fruitless and wasteful expenditure because nobody could change the timelines in the SAFA Statutes and, regardless of the date of the election, the timelines would still remain the same.**

On 20 March 2018, I attended to a court case brought by a former Vice-President who was expelled by the Association in 2014. The Association won this case decisively and I returned from court to brief the President and the Council about the court outcomes whilst the Council meeting was still on. I also informed him that we devised a strategy to dispense with the other legal challenges to the election and asked him not to make any announcement on the election until we have concluded negotiations with the litigants.

However, after reaching agreement with the three other litigants' attorneys, who had just left to obtain the signatures of their clients, we came across news reports of an announcement by the President on the elective Congress. This effectively repudiated the agreement we had just reached and collapsed the talks, **leading to an enormous wastage of costs** for Junior and Senior Counsel as well as two instructing attorneys who spent almost a week working late into the night to prepare for the cases. When I queried why he made the announcement, the President, in his usual arrogant style, told me he did it because he was the President of the Association and that there was nothing I could do about it.

The entire legal team, who spent several days and nights drafting urgent responding affidavits to these cases, was completely deflated by the President's action. I then informed him during that telephonic conversation of my dissatisfaction with his actions and threatened to quit the Association. However, I was persuaded by 3 Council Members not to do so. *[discussed elsewhere in this document]*

I also refrained from further engaging Mr Motimele and requested an alternative because the Association could not afford to pay such high costs for an Electoral Committee. These costs were also not budgeted for in the 2017-2018 financial year.

The President later met with Mr Veron Mosengo-Omba of FIFA and agreed to convene an Extraordinary Congress on 28 April 2018 to adopt a revised Electoral Code, approve a substitute Electoral Committee and to confirm a date for the Elective Congress in May 2018. Eight nominees, from which 5 would be selected to serve on the Electoral Committee, were presented to Congress for approval. Congress authorised the CEO and Messrs Xaba and Govindasamy to select the final 5 from the 8 nominees.

In accordance with Congress' instruction, and as agreed with Messrs Xaba and Govindasamy, we finalised the list of Electoral Committee Members and did not include Mr Motimele amongst the final 5 Members because of his exorbitant fees request. We notified all nominees of the decision of Congress and convened the Electoral Committee on 5 May 2018. Mr Motimele was not invited to attend.

On my arrival at the Electoral Committee meeting, I discovered that Mr Motimele had convened a separate meeting with the same persons, starting earlier that morning. I questioned this action as I was the only one authorised to convene the initial meeting of the Electoral Committee in terms of Article 15(a)(i) of the SAFA Electoral Code. None of the nominees had yet submitted their acceptance forms as requested during the preceding week.

I cautioned those present at the meeting (Messrs Motimele, Tyamzashe and Adv Pikoli and Ms Ravele) that they were usurping the role of the Council and Congress by their actions. I also informed them that no one had the authority to convene another meeting without my knowledge as I was the official custodian of the records of the Committee and was responsible for all of the Committee's administrative work in terms of Article 15(a)(i) of the SAFA Electoral Code.

I was then informed by Ms Ravele that they refused to convene a meeting without Mr Motimele and demanded that he be reappointed to the Committee. I told them that a decision had been taken to exclude Mr Motimele. However, they insisted and spent the next 2 hours debating the matter. Still, they insisted and said that they would not agree to serve until such time that Mr Motimele was added to the Committee.

The meeting then agreed to reconvene on Monday, 7 May 2018. It was during this meeting where I learned from Mr Motimele that he had a meeting with the President wherein the President agreed to add him to the Electoral Committee, acceded to his fees request and that the remainder of the Committee Members should be paid the same fees and had appointed Ms Tshikani Baloyi to serve as the administrative support to the Committee.

I was shocked by this admission and by being undermined in this manner as the SAFA Electoral Code was clear on my role vis-à-vis the Electoral Committee.

I then called the President, who confirmed that he met Mr Motimele, denied that he agreed to the fees, but confirmed that he had appointed someone from his office to take over the administrative tasks of the Committee. The President subsequently asked me to accept Mr Motimele's demands as we had no time to reconvene another Council meeting or a Congress to change the composition of the Committee, insisting that the elections must not be postponed. I returned to the meeting where Mr Motimele continued to insist that the President had agreed to his fees. He was therefore not prepared to do anything further unless this was agreed.

The Electoral Committee had effectively blackmailed the Association into paying an exorbitant amount of ZAR2.8m for their services. This expense was not included in the 2017-2018 budget. **This expense, in my view, was fruitless and wasteful expenditure which I was**

forced to entertain – against my better judgement – under extreme pressure from the President and certain members of the Electoral Committee.

It is important to note that this placed Dr Jordaan in a compromising position as he was a candidate for office – albeit still President – but one who felt that he had to intervene to keep the election timeline on track. He acknowledged this conflict of interest, but insisted that the election timelines should be met as he feared an extended election campaign.

Additionally, Dr Jordaan then took control of the administrative support for the Electoral Committee, appointing his PA, Ms Tshikani Baloyi, to serve as the de facto Secretary of the Committee, producing Minutes and organising other logistics for the Committee – in my presence. **Dr Jordaan's action was a clear violation of Article 5(3) of the SAFA Electoral Code which mandates the General Secretary of the Association as the responsible party for all logistical and administrative support for the Electoral Committee.**

As demonstrated in these examples, the President used his majority support to ram through changes in organisational structure and policies which borders on ocholocracy (governance with a mob mentality), unquestioned by a largely compliant SAFA Council eager for re-election themselves, where Members are manipulated to approve resolutions without being given sufficient information. Current events relating to the report of Acting CEO, Mr Gay Mokoena, further illustrates this ocholocratic system led by Dr Jordaan.

His abuse of Presidential power was also palpable throughout.

4. Financial Mismanagement in SAFA – Undermining the Accounting Officer

a) Ignoring a Long-Standing Cashflow Deficit

When I assumed the role of CEO, the Association faced an approximate ZAR30m cashflow deficit that had been accumulating for a number of years.

This deficit led to a delay in payments to many service providers and in the payment of grants to SAFA's Members.

The Secretariat therefore had to “rob Peter to pay Paul” continuously since older debts had to be paid first. Some service providers and Members had to wait many months before receiving payment for their services.

I immediately devised a turnaround strategy to eliminate the cashflow deficit over a 3-year period by economizing on day-to-day running costs, increase bulk purchasing of goods and services to take advantage of economies of scale and changing the budgeting principles away from recognizing unsecured income to improve our procurement system.

However, despite lengthy discussions in Finance Committee meetings and the approval of this strategy by the Council, it continued to approve programmes – recommended by standing committees – to incur additional costs, led by the President who would typically blame the Administration for “wasting the Association’s money”.

For instance, in the 2014-2015 FY, the Head Coach of the Men’s Senior National Team insisted on using chartered aircraft, quadrupling the travel costs of the team. When I refused to incur this cost, the President, intervened and also insisted we charter a flight as per the Coach’s request.

During that same year, the same Head Coach demanded a massive increase in his salary which I refused, but the President pushed that I reconsider because of the reputational cost of the Coach if he went public on the matter.

Add to the above the unscheduled costs of ZAR396,000.00 in daily allowances for Heads of Delegation, almost ZAR3m for the Women’s Senior National Team participation in the Cyprus Cup, the demand of the Women’s Senior National Team Head Coach to bring a foreign Assistant Coach at a cost of ZAR1.4m, the unscheduled costs nearly eliminated a healthy surplus we had planned to reduce the accumulated cashflow deficit.

Over the years, the SAFA Financial Platform also warned the Association about the deficit and its dangers. Much of my weekly meetings with the Financial Platform and the CFO were spent navigating this raging cashflow deficit and its consequences. These warnings were simply glossed over at Council meetings – despite the repeated warnings of the Finance Committee.

The cashflow deficit is a major source of SAFA’s negative image in the public domain as several service providers would regularly go public about their troubles in getting paid. However, the leadership appears not to take full responsibility for this, but would shift the blame to the Administration for this state of affairs, yet they would take an endless number of decisions that can clearly not all be implemented due to a lack of funds.

b) Preventing Collection of the 2013 AFCON Debt from Nelson Mandela Bay Municipality

When SAFA was granted the rights to host the 2013 Africa Cup Nations Final Tournament (AFCON), the Association established a Special Purpose Vehicle (SPV) to insulate itself from any negative effects associated with the hosting of the competition.

The 2013 AFCON LOC’s Memorandum of Incorporation (MOI) stipulated that any surplus would accrue to the Association. The final accounts for the 2013 AFCON LOC indicated that Nelson Mandela Bay was one of 2 cities that owed the 2013 AFCON LOC approximately ZAR2.8m. Several attempts to collect the funds from the city were unsuccessful.

Following the President’s election as the Executive Mayor of Nelson Mandela Bay, he requested that we second Mr Mlungisi Ncane, our Head of Security, Protocol & Accreditation, as his Chief of Staff.

Mr Ncane was asked to facilitate a meeting between then-SAFA Vice-President Lucas Nhlapo (who was sole remaining Board Member of the 2013 AFCON LOC) and the Municipal Manager to discuss the matter of the debt. Mr Ncane subsequently informed me that he was successful in negotiating an acknowledgement of the debt with the City Manager and that SAFA just needed to follow up with the City Manager's office.

Hoping for a sympathetic ear from the now Executive Mayor of Nelson Mandela Bay – who was still the President of the Association –, I raised this matter with the President telephonically between 24 – 26 July 2015, whilst I was driving to meet him at the St George's Hotel in Irene, Pretoria. I told him of Mr Ncane's efforts and that I would discuss it with Mr Nhlapo for him to follow up on the matter. I was gobsmacked when the President, in a belligerent tone, told me that no such thing would be allowed as he had just had a budget approved and that the money was not in the approved budget. I was shocked because he was the one who had placed enormous pressure on us to collect the outstanding funds, but given the opportunity to do so, he vetoed that effort. I then reported the matter to the Chairperson of the SAFA Audit & Risk Committee, Mr Nhlapo, as this would affect our bottom line.

In the years that followed since, he would continuously blame Mr Nhlapo for the failure to collect the outstanding debt, not citing his own role in this failure.

c) Unilateral Acceptance to Host 2016 African Futsal Championship

Sometime between August and September 2015, the President informed the NEC that he had agreed to host the 2016 African Futsal Championship at the request of CAF since CAF could not secure an alternative host for the tournament. The tournament was scheduled for April 2016.

Unlike the FIFA model, CAF expects the hosts of its tournaments to underwrite most of the costs of hosting these tournaments. I subsequently met with CAF's marketing agency representative in January 2016 to discuss their efforts to raise sponsorship for this tournament. At that point, they were unsuccessful in raising any sponsorship from about 100 South African companies that they had approached.

With no sponsorship available, SAFA then had to foot the bill that was in excess of ZAR18m for this tournament. This expenditure was not included in the 2015-2016 budget that was approved in June 2015.

This added to the cashflow woes of the Association as all of the planned savings – and more – were consumed by this ill-advised timing of this tournament. The rationale for this costly hosting strategy is a story for another time.

I refused to sign off any of the costs associated with this tournament. This, coupled with legal costs associated with the FIFA investigation into an alleged USD10m bribe paid to Messrs Jack Warner and Chuck Blazer, resulted in the Association reporting a loss for the year in question.

In 2016, the Secretariat had to delay conclusion of virtually secured agreements with potential partners so that the Council could not continue to approve additional expenditure. This was in an attempt to report a surplus at the end of the FY and to reduce the overall cashflow deficit. This helped us to report a surplus for the 2016-2017 FY.

d) Incorrect Reporting for the 2017-2018 FY

I have recently seen a copy of the SAFA AFS for 2017-2018 and must raise serious concern about what was reported. At the time of my departure on 31 August 2018, PWC had not yet reported the results of their audit for the year and I could therefore not interrogate the final statement as I had always done in previous years.

The 2017-2018 AFS contains fundamental misstatements of fact, in the *Going Concern* section¹¹, relating to broadcast negotiations with the SABC:

- i) At the time of my departure we had been struggling since the last quarter of 2017 to secure a new agreement with the SABC because the SABC's finances were in a widely publicised mess. It had been scraping by for many months, sometimes not sure whether they would be able to pay their suppliers or meet their monthly payroll.

During one meeting, the Acting CEO of the SABC told me of the dire state of the SABC's finances and made it clear that it would take them a long time to recover and that they would not be able to meet our demands of a renewal at the previous broadcast rights fee of ZAR110 million per year.

During subsequent meetings, 3 of the SAFA Vice-Presidents (Ms Ledwaba, Mr Mokoena and Mr Nkompela) accompanied me to these negotiations and they were also informed of the SABC's inability to pay. The last meeting where I attended, the Chairman of the SABC Board and his Payments Committee Member once again stated that the SABC was in no position to agree a broadcast deal.

Following my departure, SAFA issued a statement in September 2018 that the SABC's offer of ZAR10m per year was an insult and was not worth the properties they were given to broadcast.

It was therefore quite surprising to read a statement, for the year in which I was the accounting officer, that there was hope the SABC contract would be renewed – despite the SABC having rejected all proposals for almost one year.

It is wrong to place the emphasis on an expected contract with the SABC – especially given the poor financial condition of the public broadcaster. The SABC agreement that expired in April 2018 was a sublicense to broadcast properties for which Siyaya TV retained the primary rights. The non-renewal of the SABC contract meant that the rights would automatically revert to Siyaya TV, making Siyaya TV

¹¹ See Annexure 9 -- Extract from the 2017-2018 AFS' Going Concern Statement.

liable to pay SAFA the agreed-upon broadcast fee of R150 million per annum for the remaining 3 years of that agreement.

The net effect of the rights reverting to Siyaya meant that SAFA should have received at least ZAR25m from Siyaya for the 2017-2018 FY. This would have rendered a surplus of at least ZAR15m for the 2017-2018 FY.

However, as is indicated in more detail below, the unilateral action of the President in the matter of the broadcast fee owed by Siyaya TV, left the Association with a ZAR15m loss for the year in question. The Siyaya contract had not been repudiated at the time I left the Association. Council Members are best placed at this point in time to comment on whether this matter was ever discussed at the Council or the SAFA Congress.

- ii) The second misstatement in the Going Concern section of the AFS is a reference to the hope that the South African Government would pay SAFA an amount of USD10m arising from a payment made to CONCACAF, the North and Central American football confederation, as part of the 2010 FIFA World Cup legacy programme for the African Diaspora.

I have had numerous discussions with the Director General of Sport & Recreation South Africa (SRSA), Mr Alec Moemi, who informed me each time that the South African Government does not have sufficient evidence to make such a payment to SAFA. This fact was always reported to the President.

Mr Moemi stated that neither he nor the Cabinet Secretary could find any record of a commitment by the South African Government to reimburse SAFA. He further stated that he would not be able to do anything unless there was some confirmation that this expenditure was indeed approved by the Cabinet.

The claim was based on an alleged promise made by former President Thabo Mbeki to former FIFA President, Joseph S. Blatter, that the South African Government would fund the programme in the Caribbean as part of its African Renaissance policy.

At first, there were allegations that the money was intended as a bribe to Mr Warner and Mr Blazer, but SAFA found unsigned correspondence from a former SAFA CEO to the former DG of SRSA, the late Mr Vernon Peterson, which alleged that Government would reimburse SAFA if FIFA could pay the money over to CONCACAF and then deduct the money from SAFA's portion of the 2010 FIFA World Cup ticketing revenue.

Also, after several phone calls and letters to FIFA to confirm whether FIFA deducted the money from SAFA's profit share, FIFA closed the matter without confirming whether they had indeed deducted the money from the ticketing revenue due to SAFA.

It therefore goes without saying that without the confirmation from the South African Government that it made the commitment to reimburse SAFA and a confirmation from FIFA that the money was deducted from SAFA's portion of the ticketing revenue, no claim can be made of a debt due to SAFA.

e) False Budget Assumptions for 2018-2019 FY

I was informed that the Association did not have an approved budget for the 2018-2019 FY. I am unclear about the reasons for this as the Budget Sub-Committee of the Finance Committee was tasked – and I participated – had met all departments to finalise their inputs into the budget. The budget could not be finalised as a result of the chaos that ensued during the period of the elections and the uncertainty of the broadcast environment – the major source of revenue for the Association. The SAFA Council did however approve a spending plan until such time that a full projection of revenue could be arrived at.

However, what was worrying was the basis on which spending took place in the Association. It was also worrying that the approval of a Going Concern statement is contingent on a realistic expectation that the Association's revenue targets would be met.

It was most worrying to me [as the accounting officer during that financial year] that no significant new revenue had been acquired, despite the promises of collecting the USD10 million from Government and a lucrative broadcast deal. The likelihood of both of the major revenue targets being reached proved impossible. It was therefore incumbent on the leadership of the Association to put a brake on any further expenditure that would worsen the already precarious state of SAFA's finances.

f) Payment of Phantom Staff (Jan Pretorius)

In late 2009, the former President of the Association, Mr Kirsten Nematandani, engaged a consultant to delve into acts of corruption in the 2nd Division League of the Association. This consultant, Mr Pretorius, was expected to present regular reports on his activities with a view to reporting any wrongdoing to the police.

I had several meetings with police representatives over the years to request that they work with Mr Pretorius to uncover any wrongdoing in the League.

Whilst there was an initial flurry of activity in 2010, where he uncovered serious corruption in the Limpopo stream of the League, and we reported these matters directly to the police, no cases have been taken to trial and consequently no convictions have been achieved.

In the last few years I insisted on meeting Mr Pretorius once a month to try and push him to produce better results from his investigations and to provide regular reports of his activities. No coherent reports were forthcoming – despite numerous attempts.

Instead of reporting about the activities in the League, Mr Pretorius seemed to be disproportionately occupied with investigations into political matters unrelated to the League. I received verbal reports about his efforts to secure more sponsorships for the

Association from the Afrikaaner business community, with only one lead that eventually led to a meeting but no results.

His other reports were about the activities of certain Afrikaaner groups and their attempts to reconcile with the African National Congress. I was at first not clear why he would report these matters to me as it was not part of his SAFA brief.

Two years ago, I then asked our Head of Security, Mr Ncame, to engage Mr Pretorius to ensure that his work is properly supervised and that his reports become more structured. Mr Ncame tried, but this approach did not work.

It became clear to me later that Mr Pretorius had been submitting many other reports directly to the President after I had refused to authorize any further payments to Mr Pretorius. The President would repeatedly call me to castigate me about our failure to pay Mr Pretorius.

Mr Pretorius was paid – as a result of the President’s harassment – on a month-to-month temporary assignment agreement as I was no longer comfortable with signing a new contract to pay someone who could not provide proof / reports of the work he had done or show results of his investigations. However, this did not matter to the President.

At some point, in April 2018, following a meeting at the Southern Sun Hotel Katherine Street, the President, myself, Mr Mokoena, Mr Mzwandile Maforvane and one other Council Member took a break for dinner where the President insisted vehemently that I should pay Mr Pretorius. I informed him that even if we wanted to, there was simply no cash in the bank to pay him. Shockingly, he then insisted that I pay Mr Pretorius from his (non-existent) discretionary fund from which he paid certain funds to people who approached him for support.

During this exchange he shouted loudly – and very embarrassingly in the presence of all around the table – that he was the President of the Association and I should just do what he asked me to do. Angrily, I shot back that he could be President all he wanted, but if there was no money, there was nothing we could do!

g) The Broadcast Contract Debacle

On 30 May 2014, SAFA and Siyaya (a new broadcaster awaiting its license) signed a broadcast rights agreement¹² for a period of 6 years to 1 May 2020. The agreed fee was an effective ZAR225m per annum (ZAR50m of this amount was contingent upon SAFA securing the continental broadcast rights from CAF). Additionally, ZAR25m was for production costs, leaving SAFA with a net income of ZAR150m per annum.

However, due to extreme pressure from the South African Government, SAFA and Siyaya agreed to amend the agreement to sublicense the rights to the SABC for 3 years at a reduced rate of ZAR110m per annum¹³. SAFA then agreed to pay Siyaya ZAR10m per annum

¹² Annexure 10 – SAFA-Siyaya Broadcast Rights Agreement

¹³ Annexure 11 -- SAFA-SABC Broadcast Rights Agreement

for this forced concession. SAFA also agreed to extend the period of the Siyaya rights agreement by 3 years to 2023.

On 19 July 2018, I received an email from David Sidenberg, our broadcast consultant, containing another email from Siyaya's representative containing a copy of an email to Dr Jordaan wherein he outlined an agreement reached between Dr Jordaan and one of the Board Members of Siyaya¹⁴.

I learned afterwards that the President, without my knowledge, met with representatives of Siyaya and agreed to release Siyaya from its obligation to pay the ZAR150m annual rights fee for the next 3 years and that SAFA would pay Siyaya a sum of ZAR5m. This was also never reported to me by the President.

I told the President that I would not agree to do such a deal unless we can secure a replacement broadcast rights agreement with another broadcaster. When I left the Association, no such agreement was presented to the SAFA Council for approval. I strongly believe that, as the Accounting Officer of the Association, I was within my rights to refuse to confirm this agreement in writing as requested in the email.

Although I was the accounting officer for the 2017-2018 financial year, it recently came to my attention that the Association had approved its audited financial statement (AFS) signed by the Acting CEO, Mr Russell Paul. This AFS makes no reference to this write-off of a significant asset of the Association.

The 2017-2018 AFS contains fundamental misstatements of fact, in the *Going Concern* section, relating to broadcast negotiations with the SABC, does not include the Siyaya obligation of ZAR25m for May and June 2018 and also includes an expected USD10m payment from the South African Government, even though the Government had on numerous occasions informed us that they have no record of such debt to the Association. These are clear violations of the Companies Act and the King Code of Corporate Governance and could constitute reckless trading.

The Association reported a ZAR15,8m loss for the 2017-2018 financial year¹⁵. This, along with an opportunity cost related to the President's personal challenges could have yielded a surplus of ZAR15m for the 2017-2018 financial year. Delivering a surplus for the Association was always high on my priority list and this severely hampered my ability to deliver sound financials to its Members.

h) The SAFA National Technical Center / Fun Valley (NTC) Debacle

One of my abiding concerns over the past 4 years has been the purchase and establishment of the Fun Valley property in the south of Johannesburg.

The funds to purchase this property was sourced from the 2010 FIFA World Cup Legacy Trust. Neither I, nor the National Executive Committee of the Association were informed

¹⁴ Annexure 12 – eMail from David Sidenberg

¹⁵ Annexure 13 – 2017-2018 SAFA Annual Financial Statement

that this request will be placed before the Legacy Trust. We were only informed after the funds had been approved in an agreement between Dr Jordaan and Mr Valcke.

Whilst it was a good idea at the time, it has become abundantly clear that this investment will not yield the required results:

- 1) No due diligence was conducted before taking the decision to develop the NTC in this location;
- 2) No suitability assessment was conducted to determine whether the site was zoned for the purpose it was intended to serve. We discovered after completing the purchase that it was zoned for agricultural use and that the former owner developed the site without securing the necessary permission to use it as a resort;
- 3) Dr Jordaan and Mr Valcke secured ZAR80m from the FIFA Legacy Trust to purchase and develop the NTC. The two met Mr Godfrey Cohen, the former owner, and agreed to pay him ZAR65m for the property – **without my consent or involvement as the Association's constitutional accounting officer**;
- 4) Following the instruction from Dr Jordaan to finalise the purchase of the property, the CFO of the Association, Mr Hluyo and I commissioned a property valuation and we were informed that the property was valued between ZAR30m and ZAR35m. When we informed Mr Cohen of this, he obstinately demanded that we honour the agreement reached with Messrs Jordaan and Valcke, threatening to walk away from the deal if we tried to renegotiate the price;
- 5) FIFA approved SAFA's first GOAL Project funding in late 2014. The approved project was an artificial turf at the NTC. FIFA then instituted steps to have the field installed, but has faced numerous obstacles raised by the residents of a nearby informal settlement named Marikana. With an astronomically high unemployment rate in this settlement, residents are easily organised into bands of invaders demanding jobs and tenders – without the requisite skills to perform these tasks.

It has proven very difficult to develop the NTC / Fun Valley because the property is located in this very volatile area. Daniel Krebs at FIFA can attest to the challenges the FIFA-appointed contractors have faced in trying to install an artificial turf on site for almost 3 years;

- 6) Further development on other aspects of the proposed upgrades have stalled as a result of the actions of the residents of Marikana;
- 7) In August 2017, whilst walking down the passage from his office, the President informed me that he planned to submit a proposal to the Legacy Trust to build a hotel at the NTC and that he planned to drive this project. **Once again, the President unilaterally took a decision should at the very least have involved, and be driven by, the Head of Administration.**

As this is a project of the Association, operational responsibility resided with the Secretariat to oversee the development of the NTC, including any of the installations included in the master plan for the NTC.

However, the President then proceeded to commission an architect through the Legacy Trust to develop the concept plans for the hotel – and has never shared these plans with me since it was developed sometime in 2017. Instead, he asked the General Manager of the Legacy Trust, Mr Joe Carrim, to liaise with the architect and to secure the drawings. I was surprised to be shown already completed drawings for the hotel by Mr Carrim.

Somehow, he also secured the grant of ZAR100m from the Legacy Trust without my signature. He has somehow convinced Ms Joyce Cook and the other FIFA representatives on the 2010 FIFA World Cup Legacy Trust to allocate the funds for this project.

I recently recommended that the Association reconsider its investment in this site because of the volatility of the area and the fact that the site was not appropriately zoned for this purpose and lacked basic city services.

For example, sewage is still manually pumped and transported off site at a cost in excess of R120,000.00 per month due to a lack of sewage runoff systems linked to the city's sewage system. This resulted in a huge monthly cost to pump and transport the sewage from the site.

The area is not serviced by the major telecommunications companies, making it difficult to maintain basic communication connections on site. Cellular phone coverage is therefore hugely problematic. Only Cell C erected a mast on site, but this did not help those guests who used other cellphone service providers and led to national teams being reluctant to stay there as many players were assigned homework that required internet access.

There are no entertainment and shopping areas in the immediate vicinity. This would make it very difficult for hotel residents to access basic services.

It was my considered view that any further investment in this very volatile area was a waste of the Association's much-needed resources.

i) Unsustainable Transport Arrangements

Sometime during late 2008, Dr Jordaan began his efforts to “clean up” SAFA to ensure that the “World Cup profits be put to use for the benefit of South African football development.” Thousands of SAFA members took this message seriously and joined the effort. They genuinely believed a new leadership would deliver greater levels of development, world-class expertise and humble leadership to the country’s largest sporting code.

A fundamental principle adopted by the new leadership was that the 2010 FIFA World Cup profits should not be used to benefit individuals as football service has always been voluntary. Everyone believed in this principle.

Indeed, in the years that followed, the new leadership reinvigorated the development programme, installed better governance instruments, built a stronger regulatory framework, reduced disputes through stronger dispute resolution mechanisms, streamlined administrative processes and used the 2010 FIFA World Cup legacy funds to support development efforts in the Regions.

We were also repeatedly encouraged to manage the Association's finances diligently. With EY being appointed in 2012, at the request of Dr Jordaan, we added another notch on the good governance totem pole.

These actions were further followed up by a democratisation project through more engagement with SAFA's Members, building a stronger regulatory framework and aligning SAFA's statutes with that of the FIFA Statutes.

It appeared that the Association was well on its way to leaving behind the cult of personality that bedevilled South African football in the 80s and 90s.

However, as described throughout this document, there is a fundamental contradiction between that which is promoted and that which has been practiced. Good governance practices are being rolled back through the constant tinkering with the statutes and rules of the Association to maintain advantage over opponents. Self-preservation is now the dominant characteristic of leadership in SAFA – maintained through a system of "leadership with benefits" in the form of lucrative foreign assignments and acquisition of motor vehicles for Council Members.

Dr Jordaan did an about-face and started changing the focus to proposed benefits for individual NEC Members – contrary to his own earlier assertions that the profits of the 2010 FIFA World Cup should not be used for personal benefit. He convinced the reduced Board of the 2010 FIFA World Cup LOC and the SAFA NEC (essentially the same people on both sides) that they should buy C-Class Mercedes Benz vehicles for selected NEC Members (those who had not served on the 2010 FIFA World Cup LOC Board) with the ZAR160m surplus from the LOC's USD423m budget. Members were then asked to pay back the loan with their annual honoraria and pay back the balance should they not be re-elected to the NEC in 2013.

After the first group of vehicle beneficiaries were not re-elected, Dr Jordaan convinced the NEC to extend loans to the newly elected NEC members, and the remaining members from the first group, to purchase C-Class Mercedes Benz vehicles for them. The conditions would be the same as for the first group.

That move precipitated a scramble for positions on the NEC. He argued that some NEC Members be given transport, funded by SAFA through a loan arrangement. He reasoned that decent transport was one of the main impediments to football development around the country and that Regions and NEC Members needed to be given decent transport to assist in their development efforts.

However, the Association struggled to collect the balances from at least 5 former NEC Members – despite several attempts to collect the money and threats to take legal action

against them. In fact, **Dr Jordaan intervened privately in several cases to stop action** against them whilst paying lip service at Council meetings to collect the outstanding balances. Specifically, these former NEC Members were from the Free State and the Northern Cape.

By the time I left the Association, there were additional NEC Members who had not repaid their vehicle loans, despite written agreements to pay the balance after not being re-elected.

It had become increasingly clear that this practice was unsustainable, so Dr Jordaan tasked the Chairman of the Finance Committee, to negotiate with several vehicle dealerships for a sponsor-purchase deal in early 2018, in anticipation that even more newly-elected Members would join the NEC.

Mr Mokoena's effort was singularly unsuccessful as the Association had suffered severe reputational damage during that period and were also not in a position to purchase new vehicles for the new NEC Members and to purchase additional vehicles for the Regions. No vehicle supplier would take the risk of supplying SAFA with these vehicles.

It is therefore no surprise that a culture of self-preservation has now engulfed the SAFA Council, with Members feeling beholden to Dr Jordaan for this unsustainable largesse. One of our greatest fears in 2009 was that a role on the SAFA NEC would be seen as a lucrative personal benefit to Members – contrary to the stated objectives of the SAFA Statutes and the spirit of the 1997 Pickard Commission of Enquiry Recommendations.

5. Blurring of Personal and Organisational Boundaries

a) *The Jennifer Ferguson Rape Allegations*

Whilst this matter was of a personal nature for the President to attend to, the Association was nevertheless obliged to manage the reputational damage arising from this case given the close association between the two brands (the Association and the President).

I attended a meeting at the home of one of the President's private attorneys a few days after the 19 October 2017 rape allegation levelled against him by Ms Jennifer Ferguson. The purpose of the meeting was to draft a response to the media storm that erupted following the allegations.

At this meeting I met a Mr Trevor Neethling for the first time. Mr Neethling, I was informed, was a public relations practitioner brought in by the President to assist him in this matter. It was clearly understood at this meeting that all costs for this activity would be for the President's private account.

My presence in that meeting, along with Mr Dominic Chimhavi, the Association's Communications Manager, was purely for the purpose of coordinating a response to the developing reputational crisis. Mr Chimhavi was asked to coordinate media responses with

Mr Neethling to avoid undue reputational damage for the Association. [see the section below titled “Paying for Public Relations Services for a Rape Accused” for the conversion of Mr Neethling’s services to a contract with SAFA, attached as Annexure 14]

During this very challenging period, I had to lead the effort to liaise with our sponsors, media and other key stakeholders to reassure them that the Association was stable and would not tarnish their brands. One of our sponsors, AB-InBev, was particularly insistent that the Association should either suspend the President or ask him to step aside until he has satisfactorily dealt with the rape allegations. In fact, AB-Inbev withheld R10 million of their sponsorship as a result of this matter.

Additionally, we had concluded a sponsorship agreement for our referees programme in December 2017, but the sponsor was reluctant to announce the partnership until such time that we gave them assurances that the Association will deal with the matter of the allegations against the President. The sponsorship launch was subsequently delayed for 9 months, and contributed to the deficit in the Annual Financial Statement for the 2017-2018 FY.

Whilst he was reluctant at first to step aside, Messrs Russell Paul and Darryl Coutries, from our Football Business Division, joined me at the President’s house one evening where we alerted him to the difficulties emanating from the sponsors. He then agreed that he would step aside to deal with his personal challenges and asked us to convey this to our sponsors. We duly informed our sponsors of his pledge.

However, it became apparent at the end of the elective Congress on 26 May 2018 that he was not going to step aside. **Instead, he proceeded to ask me for contact details of the sponsors so that he could go and see them himself as he was not happy that they had already pronounced him guilty of this offence. His stance was indeed shocking to me.**

b) The Visit to a Private Detective in Randburg

Sometime in early April 2018, Dr Jordaan showed me an email he purportedly received from an unknown source, alleging that someone from a football academy in Randburg had information about the Jennifer Ferguson matter. At first, I was taken by the email with a football source for the Ferguson issue and started enquiring about whereabouts of this football academy. However, as I took a closer look at the email, the date stamp for the ‘Sent’ and ‘Received’ indicators were exactly the same. I told him about this anomaly, but he insisted that it was authentic and would not reveal the source of the email.

A few weeks later, the President asked me to meet him at a shopping Center in Randburg where he intended to see a private detective about some additional documents he received, indicating definitively that the source was indeed from within football. We went into the meeting with the chain-smoking private detective named Zev and saw the documents in the President’s possession. I took a look the documents and immediately picked up serious anomalies with each:

- i) On one email purportedly coming from FliAfrika, the name of Mr Camaroodeen was spelt incorrectly;
- ii) Another email purported to have come from Dr Khoza showed his name in a completely different font from the other fonts on the same line. I immediately told him that I had never seen an email address for Dr Khoza since we have always sent Dr Khoza's emails to his Finance Manager, Mr Joselofsky, from the days of the 2006 World Cup Bid.

Zev, the detective, also took a look at the documents and emphatically pronounced that it was not authentic. Dr Jordaan nevertheless took the documents back, clearly still believing it to be authentic.

A few days after the meeting with the private detective, I was called to meet Dr Jordaan at the Southern Sun Hyde Park Hotel. On my arrival at the hotel, I found Messrs Chimhavi and Neethling in the lounge adjacent to the bar. Mr Chimhavi informed me that they were waiting for Mr Mzilikazi wa Afrika, an investigative reporter for the Sunday Times as they were going to spring a surprise and "some people were going to jail". I was therefore not surprised when a few days later, the Sunday Times published this fake narrative that Dr Khoza had paid for Ms Jennifer Ferguson's trip to South Africa. Clearly, Mr Chimhavi and Mr Neethling handed the information to the Sunday Times whilst I was meeting with two gentlemen in another corner of the hotel to discuss their offer to retrieve the USD10 million that the South African Government "owed" the Association.

During the session with Zev, he suggested that we hand in our phones so he could ascertain if there were any bugs embedded that could prove a security risk to the running of the business of the Association. He only returned our phones 2 weeks later, an act which made me very suspicious of the motive behind the acquisition of the phones. I never used the phone in question again after getting it back from Zev. The same phone was also stolen from my car at Cresta Shopping Center a few weeks later.

c) The FIFA Investigation into the Alleged USD10m Bribe to Jack Warner

In May 2015, the US Attorney General issued indictments against 14 football officials from CONMEBOL, CONCACAF and sports marketing executives for wire fraud, racketeering and money laundering. This indictment contained an allegation that South Africa paid a USD10m bribe to secure the hosting rights to the 2010 FIFA World Cup.

This indictment also contained a reference to two "unindicted South African co-conspirators". This immediately gave rise to speculation that these alleged co-conspirators were from the South African Local Organising Committee – with the lion's share of the publicity surrounding Dr Danny Jordaan as one of the alleged co-conspirators.

In the midst of the frenzied media coverage that ensued, it was revealed that a letter from the former SAFA President, Dr Molefi Olyphant, asked FIFA to make a payment of USD10m to CONCACAF, to be managed by Mr Jack Warner. This fuelled speculation in the media that a bribe was paid to secure the hosting rights for the 2010 FIFA World Cup.

The SAFA NEC directed that the Association should cooperate with FIFA in the investigation and appointed NEC Member Mr Norman Arendse SC as the Convenor of a Task Team that would include the SAFA CEO and the SAFA President to coordinate SAFA's cooperation with FIFA's investigation into the same matter. Mr Arendse, as an NEC Member at the time, was assigned this task in his capacity as an NEC Member and the then Chairperson of the SAFA Legal & Constitutional Affairs Committee.

As the scope of the investigation became clearer, Mr Arendse later felt that he could not continue to provide *pro bono* services and asked for his involvement to be converted to a professional agreement in view of the time it would take to prepare documents and arguments. This request was approved by the SAFA Emergency Committee (EMCO) on 14 September 2016¹⁶. In terms of the rules of the General Council of the Bar, the client (SAFA) had to first secure an instructing attorney, who could then engage Mr Arendse, a Senior Counsel, procedurally. Mr Zola Majavu was engaged for this purpose at the above-mentioned EMCO meeting. Funds for the engagement of Messrs Majavu and Arendse were also approved in the same meeting of EMCO.

Messrs Majavu and Arendse proceeded to assist in the preparation for the anticipated FIFA interviews that were conducted in 2016. They attended to the FIFA interviews of Messrs Mansoor Parker (the 2010 LOC Company Secretary), Dr Molefi Oliphant and Mr Tokyo Sexwale (former 2010 LOC Board Member).

However, unbeknownst to us all, the President, perturbed by what he perceived was contradictory testimony given by Dr Oliphant to the investigators regarding the letter of authorisation of the USD10 million grant to CONCACAF, consulted his own attorneys at Norton's Inc in his private capacity. Norton's then engaged Mr Gilbert Marcus SC to prepare the President's responses for the FIFA interviews. Dr Jordaan's reasoning at the time was that he did not trust the information prepared by Mr Majavu, whom he considered too close to Dr Oliphant and was adamant that Messrs Majavu and Oliphant sought to implicate him in these bribery allegations.

Both Messrs Arendse and Majavu were incensed by this obvious duplication of effort as the new attorneys engaged by the President had not previously been involved in SAFA's preparations for the FIFA investigation. Both Messrs Arendse and Majavu then withdrew from any further involvement in the matter, except to submit their close-out notes and invoices. The EMCO then appointed SAFA Vice-President, Mr Lucas Nhlapo, to replace Mr Arendse as the Convenor of the NEC Task Team for this purpose.

The President then continued with Norton's Inc as the attorneys of record for his case. Norton's Inc engaged Mr Gilbert Marcus SC and an American attorney, Mr Marcus Asner to lead the preparation for his interview with the FIFA investigators. Of course, this did not go over well with Mr Arendse who subsequently had a boisterous fallout with the President at the entrance of the Southern Sun Katherine Street hotel. This was highly contentious as no structure of the Association had approved this drastic departure from previous decisions

¹⁶ Annexure 15 -- Minutes – Emergency Committee – 14 Sep '16

taken, mainly by the Emergency Committee, which committee was tasked by the NEC to manage SAFA's support for the FIFA investigation.

All along, the President maintained that his role was a direct result of his position as the deployed CEO of SAFA to the 2010 LOC and that SAFA therefore had to underwrite the cost of the legal services in this regard. **The cost of the legal support for the FIFA investigation exceeded ZAR10m**, with the largest single cost apportioned to the American attorney who made enquiries to the District Attorney for the Southern District of New York regarding the 2015 indictment. With the exception of about ZAR2m for Messrs Majavu and Arendse, the remaining costs were for attorneys procured by the President and then later converted to a SAFA mandate for payment.

There is no doubt that Norton's Inc did a splendid job in drafting a narrative and adding some documents to present a coherent overall narrative on the USD10m bribe allegations. However, this cooperation came at a tremendous cost to the Association, whose cashflow was already severely constrained (as pointed out elsewhere in this document). **It also impacted my own ability to bring in the intended surplus for the Association during that financial year.**

d) The Trip to New York in April 2017

In April 2017, the President arranged with Norton's Inc and Gilbert Marcus, SC to go to New York to engage the US District Attorney for the Southern District of New York (SDNY), to ascertain the status of the proceedings following the 2015 indictment referred to above. According to the President, this was to get to the bottom of the matter referring to the alleged two co-conspirators mentioned in the indictment.

Speculation in football circles generally concurred that the two co-conspirators could only be two from the so-called triumvirate responsible for overseeing SAFA's interests in the 2010 World Cup bid and execution process – Drs Oliphant, Jordaan and Khoza.

It was against this backdrop that a delegation comprising of Dr Jordaan, Mr Arendse, Mr Warrick Radford of Norton's Inc, myself and Mr Gilbert Marcus, SC headed to New York. However, it became clear during that visit that the object of the visit was limited only to Dr Jordaan's status and nothing to do with Drs Oliphant and Khoza, albeit that their names had been bandied about quite liberally in the media following the above-mentioned indictment.

The visit lasted for three days, during which Dr Jordaan was questioned by the US Attorney's Office and then we would gather at Mr Asner's offices afterwards to debrief and strategize for the next day of questioning.

During these debriefings, we learned that the US District Attorney appeared convinced that South Africa did not bribe its way to win the 2010 FIFA World Cup hosting rights. Instead, their line of questioning revolved around Dr Jordaan's role as an intermediary between the former FIFA Secretary General, Jerome Valcke, and former FIFA Vice-President, Jack Warner.

In terms of their theory, Mr Valcke needed the support of Mr Warner in his bid for the FIFA Presidency. They had apparently tracked his movements through the United States at particular periods and therefrom derived their theory. They also postulated the theory that Mr Valcke's readiness to process the payment was based on his understanding that Dr Jordaan would be able to get formal approval from FIFA.

In this context, they claimed, Mr Valcke processed the first two payments even before SAFA officially confirmed its approval on 4 March 2008 (via Dr Molefi Olyphant, the then-President). Earlier that year (24 January 2008) Dr Jordaan, the then-CEO of the 2010 LOC having agreed, according to a letter to Mr Valcke, agreed to secure approval for the LOC Executive Committee to approve the proposal. This was, however, not the preserve of the 2010 LOC, but of the South African Football Association.

In his submission to the FIFA investigation in 2016, Dr Olyphant submitted that he was not aware that Dr Jordaan had already agreed with Mr Valcke on the payment to CONCACAF and signed his letter of 4 March 2008 was merely a postscript and signed in good faith following a request by Dr Jordaan to do so. However, Dr Jordaan denied that he gave Dr Olyphant the text of the letter to be sent to FIFA. However, the text of Dr Olyphant's letter to FIFA and the text of Valcke's letter of 24 January 2008 to Dr Jordaan are remarkably similar

At no point during this trip was there any discussion on the status of Drs Olyphant and Khoza regarding the allegations in the 2015 indictment.

This matter remains open and needs to be closed for the sake of the country's reputation.

On our return to South Africa, Dr Jordaan met SAFA Vice-Presidents Lucas Nhlapo and Elvis Shishana who asked to be briefed on the outcomes of the trip. Mr Nhlapo claimed that he was not informed of the trip and should have either been part of the trip or at least informed that the trip was imminent.

On my arrival at the InterContinental Hotel at OR Tambo International Airport, Dr Jordaan was in the process of briefing the two Vice-Presidents and asked me to continue with the briefing whilst he met with Mr Jamal Malindi, the former Tanzanian FA President.

I proceeded to inform them of some of the outcomes of the trip to New York and they were thoroughly shocked by my report, immediately expressing their dissatisfaction with being misled by him. Apparently, Dr Jordaan gave them a completely different version of the trip, stating that it was to negotiate a cooperation agreement with the US Soccer FA. Both Vice-Presidents demanded an immediate explanation and asked to continue the meeting with Dr Jordaan, but he left without concluding the matter with them. Mr Nhlapo, in particular, was incensed because he was the Convenor of the Task Team overseeing this matter. I had no idea why he would engage in such deception with the Vice-Presidents.

Dr Jordaan never reported to a SAFA structure on the visit to New York and directed that no further reports should be submitted to anyone – including the SAFA Council.

e) Continuing Failed Relationships with Vice-Presidents

It is the stuff of legend that Dr Jordaan sees the Vice-President from the League as an outsider and his number one foe in football. However, over the years, he has also not been able to retain productive relationships with his other Vice-Presidents. It was not long after the 2013 election that Dr Jordaan started to find fault with his first two elected Vice-Presidents, Messrs Lucas Nhlapo and Elvis Shishana.

Both Messrs Nhlapo and Shishana were effectively ostracized by the President after the meeting at the airport following the trip to New York in April 2017. They then decided to write a joint memorandum to the President on 20 June 2017¹⁷ raising serious concerns about their relationship with him. Mr Shishana wrote a letter on 9 July 2017¹⁸ wherein he complained about their (the VPs') treatment by the President and offered his unreserved apology for whatever it was that he may have done.

Mr Shishana further raised the matter of Dr Jordaan's attitude toward him during a Council Meeting in early 2018 and was tearful in recounting how he had not done anything that warranted the treatment meted out by Dr Jordaan. The meeting had to adjourn briefly to give Mr Shishana time to regroup. The meeting requested that a group, under the leadership of Dr Oliphant, meet with Mr Shishana afterwards to try and resolve the matters involving the two Vice-Presidents.

We subsequently met in Dr Jordaan's office after that Council Meeting, with the meeting scheduled to start at 14h00. Before that discussion commenced, Dr Jordaan asked me to meet with him about a few unrelated matters. At about 14h05, he asked that I look for Messrs Nhlapo and Shishana. I left to find them and returned about 5 minutes later and discovered that Dr Oliphant, Mr Nhlapo and Mr Mr Shishana had arrived.

His reaction to my "late arrival" was so virulent that I got up and refused to take part in the meeting as I had only left 5 minutes before – at his request – to find the other intended participants of the meeting. Inexplicably, I became the target of his belligerence once again during that meeting. Angered by this, I got up and left, leading Dr Oliphant to plead for my return so that the matters involving the two Vice-Presidents could be aired. This was the behaviour of an unhinged individual unable to manage his anger whom I had previously warned on many occasions not to treat me like a child.

Eventually, Mr Nhlapo and Mr Shishana wrote a joint communique¹⁹ appealing to the President to pay urgent attention to their concerns. Mr Shishana had also previously (13 November 2015²⁰) resigned from his post as Vice-President, due to his frustrations at Dr Jordaan's attitude toward him. This letter was never placed in front of the SAFA Council.

¹⁷ See Annexure 22 – Joint Memo to the President from Messrs Nhlapo and Shishana

¹⁸ Annexure 15a - eMail from Mr Shishana to the SAFA CEO regarding the President's Treatment of the Vice-Presidents

¹⁹ Annexure 15b - Letter from Messrs Nhlapo and Shishana Appealing to the President to Address their Concerns

²⁰ Annexure 15c – eMail from Mr Shishana resigning his post as Vice-President

f) *An Offer to Retrieve the USD10 million “Owed” by the South African Government*

During the week of 23 April 2018, the President, who had by then made the Hyde Park Shopping Center his meeting place to avoid public scrutiny during the hectic days leading up to the SAFA elections, called me to meet him at the Southern Sun Hotel at Hyde Park, contiguous to the shopping center.

As usual, I did not know the purpose of the meeting. On my arrival, the President was still meeting with the Secretary of the Gauteng Provincial Sports Council and another heavy-set gentleman and I waited for him to finish. A few minutes later, he called me to come over and introduced me to the two gentlemen, one of whom I knew from our attendances at the SASCOC general meetings over the years. I had not previously met the second, heavy-set gentleman, who introduced himself as someone working for the National Treasury. *[his name can be provided by Mr Mokoena as I was simply not interested in taking this matter any further at the time]*

The President then indicated that he had another meeting to attend to on another part of the same floor and left us to discuss a proposal that the two men brought to him. It was there that I was told that the man from the National Treasury had knowledge of the allocation of the USD10 million owed to SAFA and that they could help us retrieve the money that was definitely allocated to reimburse SAFA for the grant it made through FIFA to CONCACAF [discussed elsewhere in this document]. He also reported that Malusi [Gigaba, the former Finance Minister] had plans to use that money for other purposes.

At this meeting, the two men proceeded to tell me that they would need a finder's fee of 20% of the USD10 million to retrieve this money. I listened to them and told them that I could not respond to them immediately, given that I had repeatedly been told by the then-DG for Sport & Recreation, Mr Alec Moemi, that government could find no record of this debt to SAFA.

I promptly enquired from Mr Moemi about this and Mr Moemi told me he could show me the thick book of Government's schedule of payments and that that amount did not appear in there. This further bolstered my suspicion that something was not right with this proposal. I immediately reported this matter to the Chairperson of the SAFA Finance Committee, Mr Gay Mokoena, and also formally tabled this at the next Finance Committee meeting, placing my deep reservations about this information on the record. I noted to Mr Mokoena that I told the President that I was reluctant to follow through on this as it sounded “too fishy” to me.

Mr Mokoena subsequently consulted the President, informing him about the reservations I expressed in the Finance Committee. The President then assigned Mr Mokoena to follow up on the matter. I am aware that Mr Mokoena had several subsequent meetings with the gentlemen in question and told me at some point that he had managed to negotiate a lower fee for the retrieval of the money. I made my point clear to him that, if it was indeed possible, then we would have to go through Sport & Recreation South Africa (SRSA) to retrieve the money. I made my point clear that I would never agree to pay a finder's fee for

money that belonged to the Association anyway. I am not aware what subsequently transpired with respect to this matter.

g) Provision of Security Services for a Presidential Candidate

In addition to the above, Dr Jordaan further blurred the lines between his personal needs and that of the organisation during the run-up to the 2018 elections. Throughout the election period (December 2017 – May 2018) his opponents (Mr Andile ‘Ace’ Ncobo and his supporters) hurled many accusations against him and posed a significant public relations nightmare for the Association. These accusations were generally met with legal responses and public relations statements from within the Association to debunk some of the claims made by Mr Ncobo, et al.

At no point during that campaign did I receive any information on threats to the President’s personal safety and at no point was it deemed necessary by either the Safety, Security and Protocol Committee or the Head of Security that there was an imminent threat to the President’s personal safety. But, I was shocked when I received a copy of an invoice²¹ for security services for the President – at a cost of R40,250.00 – months after the election had been concluded. At no point did he or anyone else discuss any security threat with me. **Even if there was a security threat, this would not have been for the account of the Association as the Association never took a decision to protect any candidate for office.**

Once again, as I point out throughout this submission, Dr Jordaan undermined my authority as the CEO, by not informing me of any threats to his person that necessitated a bodyguard, **in violation of Article 39.2 and Article 66 of the SAFA Statutes.**

h) Paying for Public Relations Services for a Rape Accused

To my surprise, in early December 2018, I received a 2-page typed agreement, signed by Mr Neethling, from the President’s office, for the provision of public relations services to the Association. My refusal to sign this agreement was based on two grounds:

- i) It was my decision that the Association did not need Mr Neethling’s services as it had its own Communications Department consisting of 4 staff members, and
- ii) The sum total of the contract would have necessitated a tender process because it exceeded ZAR250,000.00, the limit that the CEO could approve without a tender process. At ZAR91,000.00 per month, the cost of the contract would amount to ZAR1,09m for the year and therefore had to go out to tender.

I refused to sign this agreement and sent it back to the President’s PA. However, about a week later, I was given a copy of the same agreement, this time signed by the President²². **This was a clear violation of Article 39.2 of the SAFA Statutes**, which reads:

39.2 The Chief Executive Officer and the Chief Financial Officer are duly authorized and are entitled to sign for and on behalf of the Association, in terms of the SAFA

²¹ Annexure 15d - Copy of invoice for security services provided to Dr Jordaan

²² Annexure 14 – Agreement for Provision of PR Services – Grit Communications

Schedule of Delegated Authority (SODA) all contractual agreements concerning important business~~es~~ of SAFA along with the joint signature of the Chief Operations Officer or his / her Divisional General Manager ~~a-head administrative officer/s affected by such responsible for the implementation of the~~ contractual agreement.

I was in fundamental disagreement with the President on this matter as I considered this his private matter. The contract was for a 12-month period from December 2017 to November 2018.

We were faced with several legal challenges that could have been avoided. However, the President instigated early elections in an attempt to get rid of his two Vice-Presidents (Messrs Nhlapo and Shishana) whom he accused of plotting against him and preparing to unseat him in the scheduled September 2018 elections. He intended for the elections to take place in March 2018, but constitutional timelines prevented that from happening. Elections were therefore rescheduled on 3 occasions due to legal challenges.

Mr Neethling was therefore irregularly appointed by the President.

6. The Establishment of an Imperial Presidency

Article 66 of the SAFA Statutes, along with Principle 10 of the King IV Code of Corporate Governance sets out clear parameters for the role of the CEO in the Association. This, along with numerous other provisions in the SAFA Statutes outlining the role of the CEO²³ and FIFA's principles of good governance, adopted in 2015, has given SAFA an adequate set of rules, regulations and a good governance framework under which to operate.

Moreover, the core recommendation of the Pickard Commission Report of 1997 includes a strong recommendation – which had been followed since 1997 – that the Association should not have an Executive President.

However, these good intentions on paper have been severely undermined by those responsible for its implementation. As can be seen from the abuse of constitutional processes, the SAFA President has used his power to entrench bad governance practices akin to cronyism – ironically, in the name of good governance – and has ensured that his political opponents are ostracized from football structures and intertwined his private challenges with the organisation, making it difficult at times to separate the two.

I am also concerned that SAFA has regressed to wanton demonization of people whose views differ from the majority. A prime example is that of the ostracizing of South African football legend, Lucas Radebe, for sharing an opinion that it could perhaps be time for a change in the Association. Mr Radebe served on the SAFA Technical Committee for 4 years and was summarily removed because of his view that he would like to become President one day.

²³ See Annexure 2 – Constitutional Role of the SAFA CEO

This intolerance for opposing views also manifested itself when some NEC Members who supported a different candidate for President were summarily removed from a list of candidates for office, at the instigation of the President, whilst the President also pressed criminal charges against one former NEC Member for criticising his failure to deal with the rape allegations against him. How this can be a criminal offence is incredulous! And how the South African Police Service even accepted this complaint and investigated it is even more perplexing. It is downright scary that state power was used by the President to fight football political battles.

However, I will try to limit my remarks to the abuse I personally encountered by outlining below how my job was made doubly difficult by the President's behaviour and how it negatively affected the well-being of the sport. It does not constitute a full report of the many abuses, but rather an illustration of the terrible governance behaviour of someone who is wont to sit in meetings and pontificate about good governance, but who rarely practices it himself.

Over my entire term of office, my complaints of interference fell on the President's deaf ears. Mr Nkompela, Dr Oliphant, Mr Mzwandile Maforvane, Ms Anastasia Tsichlas, Mr Nhlapo, Mr Shishana and Ms Ledwaba, amongst others, tried to mediate in this fraught relationship and tried to talk some sense into the President, but to no avail!!!

My primary concerns are summarised in abbreviated form below:

- His day-to-day meddling in administrative matters was seriously impacting the performance of the Secretariat and on my ability to manage a respectable distance between the governance and operational structures²⁴;
- His belligerent, demeaning and belittling conduct toward others in the organisation, especially his threatening behaviour toward the staff of the Association;
- His inconsistent instructions on many matters of policy was counterproductive and confusing to many in the organisation;
- His manipulation of the governance and policy instruments to suit his widely fluctuating daily moods was seriously impacting the overall performance of the Association;
- His cavalier attitude to the financial management of the Association and its related structures was exposing the Association to undue risks. Responsible financial management was only applicable to others, but not to him;
- His insistence on paying people who did not do work for the Association compromised my own integrity;
- His inability to properly address his personal challenges was becoming a great burden to the Association;
- His increasingly dictatorial, secretive and unilateral behaviour stifled important debates in the organisation, hampering also my ability to deliver on my KPs.

²⁴ Annexure 16 -- CEO's Employment Agreement and Annexure ... -- ref. CEO's Performance Agreement and Annexure 2 -- Constitutional Role of the CEO

i) *Why I Agreed to Take the CEO Job*

The Association took great pride in the fact that it was a step ahead of FIFA when it took serious steps to implement the transformation programme in 2012 by:

- i) Installing good governance and accountability principles in our regulatory framework;
- ii) Restructuring the Secretariat for better performance;
- iii) Adopting responsible, independent financial management principles and moving toward a culture of collective governance, away from the prevailing personality based system to one truly driven by the Members of the organisation;
- iv) By seeking to professionalise the Secretariat of the Association;
- v) By confirming the principle of a non-Executive Presidency (strongly promoted by Dr Danny Jordaan since 1997);
- vi) By adopting the mantra that we will operate on “*100% Principle, 0% Personality*”;
- vii) By acting in the best interest of all by proclaiming “*Nothing About Us Without Us*”;
- viii) By ensuring that “*Members Must Not Become Members of Other Members*”;
- ix) By Ensuring diversity in all forms through the slogan “*Let Our Differences Unite Us*”;
- x) By ensuring that we “*Prioritise Service to SAFA’s Members, in Particular to our Regions*”.

j) *Recounting the Litany of Challenges*

i) *How I was appointed in 2009*

I was approached in September 2009 by the then President, Mr Kirsten Nematandani and the current President, Dr Danny Jordaan (then still the CEO of the 2010 FIFA World Cup LOC) to accept the role of Chief Operating Officer of the Association.

Although I had already launched my own business venture, I sacrificed my business and acceded to their request and joined the Association in mid-September 2009.

I provided my undivided support during those first 4 years to the rebuilding of SAFA’s administrative capacity and worked closely with Mr Nematandani.

Following a major restructuring exercise in 2012 and the onset of a major financial crisis, Dr Molefi Oliphant made a special appeal to me in September 2012 to assume the role of CEO/General Secretary of the Association as I had previously refused to apply for the position. Dr Oliphant reported that he was asked by other NEC Members to make this request. I acceded to his request and made myself available for the post. **It warrants further emphasis here that I had never asked to be appointed, neither applied for, the post of CEO.**

On 14 November 2012, the National Executive Committee approved my appointment as Acting CEO (effective on 1 January 2013)²⁵.

²⁵ Annexure 17 -- Acting CEO Contract - Dennis Mumble - Signed 7 Nov '12

on 23 May 2013, I signed a 5-year contract as CEO / General Secretary of the Association following a performance evaluation conducted by the then President, Mr Kirsten Nematandani and 3 other Executive Committee Members (Mr Ndengezi, Mr Aubrey Baartman and Mr Nemavhola Khorrombi). The appointment was effective as of 1 April 2013²⁶.

In further meetings with the then President, Mr Nematandani, we agreed on a set of key performance areas on which I needed to focus²⁷

ii) The Gradual Imposition of an Executive Presidency

On 28 September 2013, SAFA held its elective Congress where Dr Danny Jordaan was elected as President of the Association.

2 days after his election, I invited the newly elected President to address the SAFA staff at SAFA House. The main thrust of his presentation to the staff was to encourage them to continue to work hard and to ensure that no Executive Member interfered with the running of the Secretariat.

However, it became immediately clear that this rule did not apply to Dr Jordaan as he would routinely engage the staff on operational matters, issuing direct instructions, sometimes without informing – and many times, contradicting – the CEO.

1. Challenge #1 – A Long History of Victimisation

I struggled for 18 months to get an employment contract after I joined the Association in 2009. I was later informed by two of Mr Nematandani's Vice-Presidents (Messrs Nonkonyana and Mazibuko) that Dr Jordaan had opposed my appointment as COO on unspecified grounds -- yet, he was one of those who asked me to join the Association! I confronted him about this in the presence of one of the current Vice-Presidents, Mr Xolile Nkompela, in 2012. Dr Jordaan vehemently denied this allegation. However, the result was that I worked without a contract for 18 months without pay. I was eventually compensated for that first 18 months of work only in 2015 – nearly 6 years later!

2. Challenge #2 – Changing the Communications System

Under the previous President, I could freely communicate relevant information to NEC Members in between meetings of the Executive so that they may be appraised of developments in the world of football – considered standard conduct for CEOs in any organization.

However, it soon became clear that Dr Jordaan had a different approach to communication with the board (the SAFA Council). Within the first month after the 2013 election, I was

²⁶ See Annexure 16 -- CEO's Employment Agreement and Annexure

²⁷ Annexure 18 -- Key Performance Areas for CEO

prohibited from communicating any information to NEC Members – even statutory information such as meeting notices – unless he had approved it or instructed that I do so.

Not too long after that, I was told by him that I should not get involved in the appointment of Heads of Delegation for National Teams' trips as that was also his responsibility. These instructions confined my relationship with Council Members to one in which they would only see me in NEC Meetings or hear from me when instructed to do so by the President – **a clear violation of the letter and spirit Article 66 of the SAFA Statutes.**

Additionally, he told me repeatedly that he could not trust everyone with the Association's information as it could be used wrongly. The subtext was that he would control what information would reach NEC Members and that nothing should go to them without his consent. Whilst it is not contested that the President should know what goes to his Exco, the blanket ban on communication made no sense at all. However, this was to be the standard for most of my tenure as CEO.

Dr Jordaan later started two WhatsApp groups, one for the NEC and the other for Regional Presidents – with him serving as the moderator for both groups. However, these platforms were used only for light banter and not much substance is discussed on either.

During the Presidential campaign, the President suspected that some NEC Members had been supportive of a rival Presidential candidate. He asked me to retrieve the SAFA telephone call list from the service provider and determined that Messrs Nhlapo and Rakoma had been in touch with the candidate, Mr Andile 'Ace' Ncobo. They were summarily removed from the WhatsApp groups.

Communication with the NEC and the Regions therefore became an act of self-preservation instead of enhancing governance. The champion of the Pickard Commission recommendations had effectively regressed into a state where he is doing exactly as the Commission described on page 45 of its report:

It is the Commission's view that certainly Mr Morewa is no longer a fit and proper person at the helm of the football industry. He has proved himself to be over concerned to be promoting his own interests instead of those of the Association. His general attitude of arrogance and domination has, in the view of the Commission made him unsuitable for the task he is required to fulfil.

I was shocked by his view that he is solely responsible for communicating with the SAFA NEC as it was always clearly understood over the decades that the CEO had performed these tasks. In fact, **the President's instructions were in violation of Articles 37.2.1 and 66.4 of the SAFA Statutes which states, amongst other things, that the President should monitor the implementation of the decisions passed by the Congress and the SAFA Council through the CEO and that the CEO is responsible for the relations with SAFA Members, committees, FIFA, CAF, COSAFA and SASCOC.**

As had become clear over the years, the President had effectively established his office as a rival operational center for the Association, working closely with the General Manager:

Football Business, Mr Russell Paul, and the Senior Manager: Communications, Mr Dominic Chimhavi. Both were increasingly drawn into projects that had no relation to their job responsibilities.

As stated elsewhere in this document, Mr Paul had not attended a single management meeting in 2018. At one point I informed the President that this was unacceptable and that I planned to fire Mr Paul if I found him reporting to the President again. The President denied that this was the case.

The ability to communicate freely with the Board (NEC) made the role of CEO farcical.

3. Challenge #3 – Belittling of the CEO’s Position in NEC Meetings

It soon became clear that Dr Jordaan saw himself as an Executive President, attending to the office daily – contradicting his own decades-long belief that the Association should not have an Executive President. From the onset of my tenure under the current President, it became clear that the role of the CEO was not held in the same esteem as any previous Chief Executive Officer of the Association.

For instance, the CEO was not allowed to guide the SAFA National Executive Committee (NEC) through the meeting pack that I prepared for NEC meetings. In fact, I had complained loudly on numerous occasions to the President about his not allowing me to guide the NEC through the meeting pack presented to Members. It is legendary in the SAFA Council that I was only allowed to speak when called upon – rarely – by him to clarify certain matters and when instructions for work are given. His explanation: I was giving the NEC too much information and opened the door for them to get involved in operational matters!

The CEO was also not allowed to present the quarterly financial update of the Association – in clear violation of Article 66.2 of the SAFA Statutes which clearly states that the CEO is the accounting officer of the Association. The Chairman of the Finance Committee became the de facto accounting officer as he was always called upon to present the financial update instead of simply presenting an oversight report.

I also raised an objection in the NEC Meeting of 20 October 2017²⁸ that the role of the CEO as the accounting officer was being diluted through constitutional means because of the proposal for the President to effectively assume authority over the Chief Operating Officer and the Chief Financial Officer.

Typically, Dr Jordaan would engage the media unilaterally – even if it involved operational matters. The CEO was never invited to a press conference or editorial briefing conducted by the President – even when the issues he discussed with the media involved the CEO’s responsibilities.

To illustrate this point (also noted elsewhere this document) I was once called by the President’s PA to meet him at Fun Valley where I discovered a fully laid-out press

²⁸ See Annexure 23 - Extract from Council Minutes of 20 Oct '17

conference to provide an overview of the Association's achievements for the 2017 calendar year. There was a woeful presentation, prepared by the Communications Department, which outlined mostly administrative matters. I was never consulted, nor informed about this press conference, and when asked to join him at the top table I refused. Instead, the President called Ms Nomsa Mahlangu instead to fill the empty chair where a few other Council Members were also present, at his invitation. **This was a clear violation of Article 34.1, which prohibits the Council from taking decisions on matters exclusively reserved for other bodies (of which the Secretariat is one), Article 66 of the SAFA Statutes, which places the CEO as the Administrative Head of the organization, and of the SAFA Communications Policy, which renders the CEO as a co-spokesperson (along with the President) of the Association.**

4. *Challenge #4 – First Attempt to Oust the CEO*

In 2014, the President began a long period of disputing the length of my appointment, arguing that it was for a period of 3 years instead of 5 years as stipulated in my contract. This was because there was a single typographical error in the contract offered to me by the former President, Mr Nematandani. All other references made it clear that it was a 5-year contract.

All CEO contracts since 1997 have been for a period of 5 years. In 2014, about 18 months into my tenure as CEO, Dr Jordaan appointed the then Chairman of the SAFA Legal Committee, Advocate Norman Arendse to investigate the intended length of my contract.

Dr Jordaan himself had 2 consecutive 5-year stints as CEO and was deployed to the 2010 FIFA World Cup LOC on a full-time basis in 2005 during the period of his 2nd contract. He resigned as the CEO of the Association following the conclusion of his deployment to the LOC in 2010.

Mr Albert Mokoena was also given a 5-year contract in 2004, during the deployment of Dr Jordaan as CEO of the 2006 Bid Committee. Mr Raymond Hack was also afforded a 5-year contract on 2 separate stints as the CEO of the Association – also during the secondment of Dr Jordaan to the 2010 Bid Committee. Mr Leslie Sedibe was given a 1-year Acting CEO role in 2010 pending the return of Dr Jordaan to his post after the 2010 FIFA World Cup.

In or about August 2014, Dr Jordaan asked Adv Arendse to submit his report to the "Presidency" [there is no such constitutional structure in SAFA] at a meeting at the Southern Sun OR Tambo International Airport. Adv Arendse reported that the CEO's contract was indeed for a 3-year period – without having spoken to the former President with whom I had agreed the contract. I rejected Adv Arendse's report on the grounds that he had not met with me nor the 4 NEC Members responsible for recommending my appointment following their assessment of my performance during the first quarter of 2013.

The President then requested that I meet Adv Arendse in an adjacent room to discuss the matter further. I chided Adv Arendse for his report and the matter was then shelved. I proceeded to serve the full 5-year term stipulated in the contract. **It is my view that Adv**

Arendse was manipulated to do so by Dr Jordaan, who had himself previously disputed the length of my contract.

I was perplexed why the President would ask Adv Arendse to conduct such an investigation as he was fully aware of my fractious relationship with Adv Arendse. Adv Arendse was forced to resign his membership of the SAFA Legal & Constitutional Affairs Committee following my complaint to Mr Govindasamy, the Chair of the Committee regarding Adv Arendse's representation of football clubs whilst serving as a member of the committee.

I have also had several other run-ins with Adv Arendse due to his continued legal representation of different parties (clubs, the League and players) whilst serving on the governing structures of the Association which could lead to a conflict of interest.

I have no evidence that Adv Arendse entered into any conflict, but the mere appearance of such is grounds, in my view, for Adv Arendse not to serve on such an influential committee.

5. Challenge #5 – Second Attempt to Oust the CEO

Sometime during the 1st half of 2015 – about 2 years into my term as CEO, and about 6 months after the first attempt to remove me from office – Dr Jordaan summoned me to his office whereupon he presented me with a contract deploying me to the newly-acquired property that was to be developed into the National Technical Center (otherwise known as Fun Valley or NTC).

Mr Mansoor Parker, a Director of Edward Nathan Sonnenberg (ENS) Attorneys and the former Company Secretary of the 2010 LOC, drafted the contract that I was asked to sign. The President had unilaterally decided to deploy me to Fun Valley without the courtesy of asking me if I was interested in the post²⁹.

The Association wasted ZAR34,000.00 for this 6-page contract whilst the Association had itself retained an archive of sample contracts to use for any purpose – should one have been required. **The President engaged in fruitless and wasteful expenditure, once again and violated Article 66 of the SAFA Statutes!**

I was taken aback by this insensitive action and I refused to agree to this unilateral change in my working conditions. Dr Jordaan then attempted several times over the next several weeks to get two of his Vice-Presidents (Messrs Nhlapo and Shishana) to convince me to accept this redeployment. **I informed them that it was wholly unprincipled and that I intended to complete the full 5-year term of office as per my contract.**

6. Challenge #6 – Usurping the Accounting Officer's Responsibilities

In August 2015, Dr Jordaan unilaterally agreed to CAF's request that South Africa host the 2016 African Futsal Championship. The National Executive Committee was informed of this

²⁹ Annexure 19 – Draft Contract of CEO's Redeployment

decision and were implored to accept this appointment as the original hosts (Burkina Faso?) could no longer fulfil its responsibility.

In the months following this reassignment of the tournament to South Africa, CAF's marketing partner sought, and failed, to raise sponsorship for this tournament. SAFA was eventually saddled with footing the more than ZAR18m cost of this tournament.

As the Accounting Officer of the Association, it was my role to run the rule over unplanned / unbudgeted costs in accordance with one of my Key Result Areas (KRAs). In this case, I was given no choice in the matter and I was overruled by Executive decision. The previously approved budget did not include the cost of hosting this tournament.

This unbudgeted cost, combined with abnormal legal costs resulting from a FIFA investigation into the circumstances around a USD10m grant to CONCACAF and extraordinary national teams costs, led to the deficit ballooning to ZAR42.3m for the 2015-2016 FY – and negatively impacting one of my Key Performance Indicators.

This matter was raised – and approved – in a Council meeting without any discussion with me about how this might impact the SAFA fiscus. It was another clear violation (and there were numerous such instances over the years where the CEO was imply kept uninformed about planned large expenditure such as this). **This, of course was another clear violation of Article 66 of the SAFA Statutes, which state that the CEO is the accounting officer of the Association. At a minimum, these matters were supposed to have been discussed with me first before taking same to the Council.**

d) Further Challenges to the Role of the CEO

Another series of actions that further diminished the role of the CEO followed over the years, sometimes manifested by blatant attempts to oust the CEO from the position – as noted above – and at other times, promoting constitutional and rules changes to systematically downgrade the role of the CEO.

In fact, in August 2018, I was informed by one of the Vice-Presidents that the President wanted to change the powers of the CEO in the SAFA Statutes and was planning to instruct the Chairperson of the Legal & Constitutional Affairs Committee (Mr Poobalan Govindasamy) to do so.

I immediately called Mr Govindasamy to enquire whether this was indeed the case and he replied that his task was to look at the entirety of the SAFA Statutes to see if the provisions were still relevant and to align it with the FIFA Statutes. He also denied that he was asked to reduce the powers of the CEO.

I noticed that in a subsequent circular to the SAFA Members in October 2018, Mr Govindasamy made numerous changes to the role description of the CEO, ostensibly in line with the changes in FIFA's regulations and significantly altered the electoral process to make it easier for incumbents to comply with the strict requirements of the SAFA Electoral Code.

The proposed amendments however did not capture the essence of the changes FIFA made to Article 36 of the FIFA Statutes and the FIFA Governance Regulations – which gave the General Secretariat significantly more powers to administer the affairs of FIFA. Instead, the new proposed amendments turned out to be a further attempt to legitimise the re-establishment of an executive presidency in that there was no significant alignment with the FIFA Statutes and Regulations.

Also, the proposed amendments did not rectify the glaring errors that were made by the previous Deputy Chairperson of the Legal & Constitutional Affairs Committee during the Extraordinary Congress of 21 October 2017.

e) The Executive Presidency in Action

Listed below, in summary format, are some of the more egregious examples of how the role of the CEO was curtailed, despite the explicit role description of the CEO in the SAFA Statutes³⁰. **This is of course not an exhaustive list as there were simply too many examples to fit in this narrative:**

Regional/Membership interventions	CEO was instructed to stay out of matters concerning challenges facing SAFA Regions, and to leave such matters to committee Members assigned by him to deal with these matters in a political manner. Even mundane administrative and constitutional matters were dealt with almost exclusively in this manner.
Human Resource Department	<p>In February 2017, the President Instructed the HR Manager to:</p> <ol style="list-style-type: none"> 1. Employ Ms Sheryl Botes as Head Coach of the Women's Academy, despite his own previous objection to her employment and the constitutional provision that only the NEC can approve the hiring of coaches; 2. He informed HR that he wanted to amend the organogram; 3. Gave instructions to retire two staff members as they were overage – despite their rare skills being needed by the Association; 4. Gave instructions to discipline the CEO's Executive PA based on complaints from a female staff member with whom he had an inappropriate relationship;
General downgrading of the CEO position	-When questioned why he decided unilaterally to present the request for adoption of the AFS to the 2016 Annual Congress, he tellingly remarked that he was a CEO before and that there was nothing wrong with him doing so;

³⁰ Annexure 2 – Constitutional Role of the CEO of SAFA

	<p>-He has routinely doled out the responsibilities of the CEO to NEC or committee Members, dramatically increasing travel and allowance costs of these Members:</p> <ul style="list-style-type: none"> i. Matters such as negotiating the purchase of motor vehicles for SAFA Members are assigned to committee members or committee chairs without any reference to the Head of Administration; ii. He removed the last round of broadcast negotiations to the Vice-Presidents instead of allowing the CEO to complete the task started months before. The net result is that the Association has no broadcast contract in place; iii. He asked the Chairperson of the Finance Committee to lead the effort to restructure the Administration without first consulting the CEO; <p>-He routinely gives direct instructions to staff on occasions too numerous to mention;</p> <p>-Conducts much operational correspondence directly from his office in violation of the SAFA Statutes – and does not inform the CEO of this correspondence;</p> <p>-In 2017 he called on a production house (Urban Brew Studios) to present a proposal on the digital platform of the Association – this after he had imposed another person to perform the same task;</p> <p>He insists that he would “drive” the Urban Brew proposal and the NTC hotel project – even though the Urban Brew proposal is a duplication of the SAFA Digital project;</p> <p>-Meetings with external roleplayers (potential sponsors) take place without my knowledge</p> <p>-I am generally not allowed to talk in NEC or EMCO meetings as the CEO of the organisation. Despite my complaints, he has steadfastly refused to allow me to inform the NEC on matters where it is necessary for me to do so in accordance with my constitutional responsibilities;</p> <p>-In June 2018, he decided unilaterally to take over the Secretariat of a number of committees and place it directly under him in his office³¹.</p> <p>-The CEO was never allowed to get involved in the appointment of the Heads of Delegation for National Teams or other activities. Instead, he interfaced directly with the staff member maintaining the rotation list, requesting that I not be given the list. I have never been informed of the reason for this action.</p>
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³¹ Annexure 20 – 2018-22 Standing Committees

The Head of the Referees Department	<p>For 3 years, the President implored me and the then Chairperson of the Referees Committee to employ the late Mr Ian McLeod, a former FIFA Referee, to head up the department – this whilst the Association had a Head of Referees in place. I was forced to sound out Mr McLeod on his salary demands – which turned out to be unaffordable for the Association. He had gone as far as asking Mr McLeod to provide him with a strategic plan for the Referees Department – without informing me.</p> <p>Yet, when I reported to a meeting of committee chairs that he had given this instruction, he vehemently denied that he had done so.</p> <p>The subtext was that I should terminate the services of the existing Head of Referees – a potentially costly exercise for the Association.</p> <p>Mr McLeod passed away on 26 October 2017.</p>
Reports	<p>When queried about his unilateral interventions in operational matters, he would argue that the CEO does not inform him of activities of the Association.</p> <p>However, this is not true and I can provide details of my discussions with him over the years, including dates.</p> <p>When he was elected the Mayor of Nelson Mandela Bay Municipality, I used to travel to that city every Friday, but spent a few minutes at a time meeting with him in the mayoral office and on some occasions could not see him and had to return to Johannesburg without meeting him.</p> <p>I can provide evidence of the unedited bi-weekly reports that came direct from departments to ensure that he has a comprehensive overview of the operational detail performed by the departments.</p> <p>We agreed to meet every Monday at 2pm in his office to discuss matters, but this rarely happened as he rarely honoured these appointments.</p>
Negative attitude toward the staff	<p>I invited him to a staff meeting in December 2017 after I informed him that the staff is not happy with his constant threats to them. I noted that his demeanour toward them is generally negative. He attended the staff meeting and rationalised his conduct. This meeting was recorded and</p>

	<p>was attended by the then Chair of the Finance Committee, Mr Gay Mokoena.</p>
Hiring of the Head Coach of the Men's Senior National Team	<p>See my notes below on the defective hiring process of the Head Coach of the Men's Senior National Team.</p>
Talking to the media	<p>In August 2017, the President informed me that he had received complaints from two of the Vice-Presidents that we were highlighting only mixed persons on our SAFA platforms and that he would prefer that I not talk to the media as this would lead to additional complaints from the Vice-Presidents. I was perplexed by this statement in light of my own fight against racism that led to my 18 years of exile.</p> <p>When asked about this, both Messrs Nhlapo and Shishana denied that they had raised such an objection.</p>
NEC Strategic Planning Workshop in Durban – February 2017	<p>In January 2017, the President determined that it was time to take a fresh look at the administrative organogram and to shore up the administration – without raising any of the specific reasons for this with me.</p> <p>When I met with him in mid-February 2017, he outlined to me a list of items that he wanted to present to the NEC in Durban over a weekend. When I saw these items I remarked that every item on the agenda was an operational matter, each one of it already being addressed by the oversight committees.</p> <p>I recommended that we first call the committee chairs together to get their input on the matters before presenting it to the NEC at a strategy session over a full weekend given that the committee chairs would be most familiar with the items.</p> <p>I also remarked that the list was indicative of a communication problem between him and his committee chairs as these matters have for the most part been presented to the NEC by the committee chairs.</p> <p>It was, and still is, my strong view that the President was overreaching into the Administration without placing these matters before the CEO or the committees tasked with dealing with these matters. However, his intervention with HR, as noted above, was in preparation for this strategic session and I remarked that there was nothing</p>

	<p>strategic about an agenda filled with operational matters that fell within the scope of the CEO.</p> <p>My pleas fell on deaf ears and I subsequently decided not to attend this workshop in protest over the President continuous incursions into the constitutional responsibilities of the CEO.</p> <p>The workshop nevertheless continued – yet none of the Vice-President nor the committee chairs were consulted on the agenda of that workshop.</p>
Induction Pack for Council Members	<p>On 26 May 2018, immediately after the elective congress of the Association, the President convened an informal meeting of the newly elected Council.</p> <p>In this meeting, I announced that the Administration planned to finalize an orientation pack for all members by 1 June 2018 – as is the custom.</p> <p>However, on 30 August 2018, I received a file from the Executive PA containing what was titled an orientation pack to be sent to Council Members.</p> <p>I was flabbergasted because the pack included the key decisions of the previous Council, some selected Minutes of Council meetings, outdated Statutes, Standard Statutes, Standing Orders for SAFA Meetings and the SABC's submission to Independent Communications Authority of South Africa (ICASA – the broadcast regulator).</p>
New Committees - 2018	<p>During the same week following the 2018 elective congress, I asked to meet with him to discuss the appointment of new committees prior to the next Council meeting.</p> <p>My reasoning was that I could give him feedback as the only person in the Association that has attended most committee meetings over the previous four years and was able to provide feedback on the performance of committee members. I received no reply to my proposal.</p> <p>I was therefore shocked when I arrived in a Council meeting on 3 June 2018 in Polokwane to learn that his office had distributed a list of committee members to Council Members present at the meeting.</p>

	<p>Even more surprising was that he had unilaterally decided to change the secretariat support for some committees without consultation with me. It is the CEO's responsibility to service all the Association's committees.</p> <p>I only received a copy of the new committees and its membership after 21 June 2018 – even though I was informed that his office had circulated the list to SAFA Members directly on 12 June 2018, unbeknownst to me.</p>
Press conferences	<p>Following his remarks to me on 7 August 2017, I was not informed of most press conferences that convened by the President.</p> <p>Embarrassingly, I was asked by his PA in early December 2017 to meet him at Fun Valley. When I arrived at Fun Valley I discovered an elaborate layout for a press conference called to discuss the achievements of the year, with a PowerPoint presentation ready to be presented to the media – yet I was not part of this planning to present what was mostly operational items.</p> <p>I elected not to join him on the podium as it would have been extremely embarrassing to indicate that I did not know what was to be presented.</p>
Relationship with the Spanish La Liga	<p>From the first time that I joined the federation in April 1997, I was always reminded by Dr Jordaan about the international protocols underpinning relations among football structures around the world.</p> <p>One of the core principles, I was constantly reminded, was that federations would establish relations amongst each other – and indeed SAFA entered into a number of cooperation agreements with other federations on developmental exchanges, technical training and similar activities.</p> <p>In 2016/2017 I read in the media about a media launch of a development programme in the Northern Cape Province involving La Liga and that Dr Jordaan was present at this launch.</p> <p>Subsequent to that there were many press conferences held in different parts of the country with La Liga representatives – none of which I was informed about or even what the role of the Association was in this regard. This despite my numerous requests for information.</p>

	<p>In fact, when I observed that one of the SAFA staff members (Mr Chimhavi) was involved in all of these press conferences I requested an explanation – with none forthcoming other than a recommendation that I should speak to the President about it.</p> <p>I raised the matter in early 2018 when I accidentally stumbled upon a meeting of Executive Members in the SAFA office where this topic was discussed. I informed that meeting that I have not been informed about this relationship with La Liga. I also informed the meeting that Mr Chimhavi (Communications Manager) was not the right person to be involved with this type of activity because we had a Head of International Affairs that had extensive dealings with other football federations around the world.</p> <p>There is an arrangement with La Liga entered into a year ago and I have still not been introduced to the La Liga officials;</p> <p>Regular press conferences and functions have been held with La Liga and I have not been invited to a single function;</p>
<p>Meetings of the “Presidency”</p>	<p>I am not part of strategy meetings with the Vice-Presidents</p>

When questioned about the extent of his interference, the President was fond of complaining about him not being informed about events in the Association. This was a false claim that can easily be refuted by a list of dates when I met with him, dates when he failed to appear for meetings and topics discussed with him³².

In addition, I also ensured that my Executive PA, Ms Mogane, email unedited departmental reports directly to his PA to ensure that there was a verifiable trail of reports to him. I took this unusual step of sending him unedited reports as a direct result of his complaint.

In fact, as the record will show, I was rarely told of any initiatives of the President so that I can action these administratively. Instead, he would engage staff directly to assist him on these initiatives. In fact, the record will also show that the GM: Football Business, Mr Russell Paul, did not attend a single management meeting in 2018 and never appeared for any one-on-one sessions with me, scheduled for Thursdays at 12:00. This can be confirmed by Ms Mogane.

³² Annexure 21 – Calendar Indicating Dates of Meetings with the President between 2013 and 2018

f) *Countering the Narrative that I Refused to Retire*

It is not pleasing to witness the manner in which the circumstances of my departure from the Association has been misrepresented in the public domain by representatives of the Association. I am in possession of newspaper articles, television interviews and social media posts wherein it is inferred or alleged by members of, or representatives of, the Association that I was forcibly retired, wanted to return to the Association even though I was over the Association's retirement age, described as incompetent and among those milking SAFA dry and that the Council had taken a decision regarding my status. To say the least, I felt very insulted as this was never stated to me in any meeting of the Council, the only entity with the authority to make such a pronouncement after due consideration.

In the circumstances, I am therefore forced to submit my response and trust that the circumstances around my departure would be clear and that the matters raised in my submission would be addressed in the context that it is placed. It is also intended to appeal to your sense of fairness and your devotion to your fiduciary duties as directors of the board of the Association.

In South Africa, directors' duties as set out in our common law and in the Companies Act include the fiduciary duty to act in good faith and for a proper purpose in the best interests of the company and also acting with due care, skill and diligence.

Parmi Natesan, Executive: Centre for Corporate Governance at the Institute of Directors in Southern Africa (IoDSA)

I am particularly mindful of the pitfalls board members face when serving on boards such as the SAFA Council and that your fate as a board member is dependent on the quality of information that is placed in front of you. Hence, the recognition in South African company law of the Business Judgement Rule. This rule "essentially outlines how directors can defend their decisions if they are able to demonstrate that they satisfied the obligations of acting in the best interests of the company and with the required care of skill, in that they; took reasonably diligent steps to be informed about the matter and access the correct information, had a rational basis to believe that their decision was in the best interests of the company at the time, and that they had no personal financial interest in the matter."

(IoDSA)

It is therefore incumbent upon me to place this information in front of you for your urgent consideration and to allow you to exercise your best judgement in relation to my departure from the Association and not to act on the basis of the limited information that has apparently been placed in front of you.

Background

In fulfilment of my fiduciary responsibility, I notified the SAFA Council on 8 October 2016, through the SAFA Finance Committee, that my contract was coming to an end within 19 months from the date of that meeting. This was duly acknowledged and it was agreed that the "SAFA Presidency" would deal with the matter. [see page 7 of the SAFA Council Minutes of 8 October 2016] The notice was clear that I had no expectation of a renewal of my

contract and invited the Council to commence a succession planning process or to indicate whether it sought to renew my contract.

However, subsequent to that meeting, the “SAFA Presidency” (commonly assumed to be the President and the Vice-Presidents at the time) did not follow up on this matter. Instead, the President sent Mr Thamsanqa Gay Mokoena, in October 2017 to commence negotiations with me on a renewal of my contract. Mr Mokoena was then the Chairman of the Finance Committee and also simultaneously the Chairman of the Remunerations Committee.

In November 2016, I informed Mr Mokoena that it served no purpose for us to discuss my contract as i) the President was constitutionally responsible for recommending the appointment of the CEO to the Council, and ii) that there were matters that I needed to discuss directly with him regarding his unilateral interference in administrative matters which severely compromised my authority over the SAFA administration.

The President was told about my position by Mr Mokoena in early December 2017 and requested that I meet him on 22 December 2017 at a coffee shop in Morningside. At that meeting, I informed the President of my dissatisfaction, but he denied that he had acted as an Executive President and appealed for us to move forward given the serious challenges faced by the organization.

There were no further engagements on this matter until 28 March 2018, when it was raised during an off-the-record session, chaired by Vice-President Elvis Shishana, at a Council meeting at the Hilton Hotel in Sandton. Mr Abel Rakoma proposed that my contract be renewed and I objected because I was still waiting for the meeting to address the concerns I had with the President’s conduct which had grown progressively worse. Mr Rakoma then amended his proposal to ask the NEC to extend my existing contract by 6 months. The President, to my surprise, actually praised my work and promised that the meeting would take place the next day. That meeting never took place.

Five months later, with my contract about to expire within another month, I had to take my accumulated leave starting in September 2018 as I had a substantial amount of accrued leave. I had only taken a single week of leave each year for the duration of my 5-year tenure as CEO.

During the month of September 2018, the President, who had steadfastly avoided any discussion with me regarding my status within the organization, requested Vice-Presidents Mokoena, Ledwaba and Nkompela to finalize the contract negotiations. The three Vice-Presidents can confirm the nature of the three meetings we had. The President briefly attended the first meeting and expressed his wish that I submit a financial turnaround strategy in view of the challenges we faced in the absence of a broadcast contract with the SABC.

During those meetings with the Vice-Presidents, I asked that a set of 7 concerns of mine be addressed as it related to the President’s conduct, matters which I had already addressed with both Mr Mokoena and the President.

As requested by the President, I presented a turnaround strategy³³ to the three Vice-Presidents on 7 November 2018. In that same meeting, I also requested that the Association let me know about the fulfilment of the terms of my expired contract, particularly the provision of a car and my annual bonus for each of the 5 years of my tenure. The Remunerations Committee Meeting held on 3 March 2017³⁴ was informed that the President had assigned this matter to Mr Mokoena and Vice-President Lucas Nhlapo, but, to date, nothing had been done about it.

Also, the Vice-Presidents appealed to me to deal with my concerns internally and attend to the office as soon as possible. Out of my stated respect for them, I agreed to return on Monday, 12 November 2018.

However, after that meeting on 7 November 2018 and with no valid contract or letter of appointment in place yet and no response from the Association, I wrote an email on 27 November 2018 to Mr Mokoena (copying the two other VPs) when I came across statements in the media made by Messrs Dominic Chimhavi and Russell Paul about my status, giving the wrong impression about my absence from the Association.

I noted in my email that a picture was being painted amongst Council Members and in the public domain that I was holding the Association to ransom and being unreasonable. I also served notice that I reserved my right to take legal action should any further statements regarding my status be made by the Association.

During this period, I also explained my position to Council Member, Mr Mzimkhulu Fina (twice) and Council Member, Mr Montshiwa in October 2018, outlining just how I had been treated by the President. Mr Fina appeared sympathetic, but did not respond in detail. Mr Montshiwa commented on 14 October 2018 that the NEC did not mandate a termination nor did it decide to give me a contract. This was ostensibly because discussions were still continuing. I am quite surprised by the WhatsApp messages I have in my possession wherein both Messrs Fina and Montshiwa question why I did not raise these matters when I was still with the Association. There is a clear inference that the Council decided that I should retire.

Mr Mzwandile Maforvane, who was still a Council Member back in 2018, was also fully familiar with the myriad challenges I had with the President and had tried his best to mediate in the many fights we had about the President's incessant interference in the Administration. In fact, during a previous run-in with the President in April 2016, Mr Maforvane also served as mediator to resolve that conflict. Over the years, Mr Nkompela was at pains to intervene in other instances where the President had blatantly taken administrative decisions without my approval.

With my frustrations already at boiling point, I also engaged in a lengthy discussion in Moscow with Dr Oliphant – who had always been a mentor during my more than two decades in the Association – about my many concerns with the President's behaviour.

³³ See Annexure 24 – A Summarised Revised Turnaround Strategy

³⁴ See Annexure 25 – Remuneration Committee Report to the NEC – 25 Mar '17

Why speak to these Council Members outside of the Council Meeting? Most of you have been witness to how I have been shouted down, humiliated and silenced in Council and other meetings by the President – with no objection from anyone. Hence, my external reference.

Additionally, I also met with Mr Mokoena and Mr Nkompela in November 2018 to continue our discussions, but it was apparent that they could not convince the President to address my concerns regarding his behaviour.

My last meeting with Mr Mokoena took place in February 2019 wherein he reported that the President was no longer angry about my remarks about his interference, but “that good corporate governance would not allow” my re-appointment as CEO, and that the President suggested I head up the 2023 Women’s World Cup Bid. Mr Mokoena said somewhat jokingly that the post would be sufficiently distant and that there would be no interference, but I said that I could not see the President not interfering in my duties unless he made a conscious commitment not to do so.

On 29 October 2019, after no feedback from Mr Mokoena, I wrote my last email to him asking about the finalization of the outstanding matters from my expired contract. There was no reply from Mr Mokoena.

Whilst I had sufficient grounds to pursue legal redress based on the reasonable expectation doctrine in South African labour law, I chose not to pursue same out of respect for the Vice-Presidents and their treatment of me. However, I have reserved all my rights in this respect.

Alas, a few weeks ago, I was taken aback by an SABC reporter, Mr Sipho Kekana, when he repeated what Messrs Chimhavi and Paul said in November 2018 and asked for my response. I refused to comment, save to say that I did not retire. However, Mr Kekana later published an interview with Dr Jordaan wherein he also repeated the same position regarding my so-called “retirement”. It became clear to me that there was a coordinated campaign to place my departure from the Association in a false context.

I also have in my possession press statements and WhatsApp messages where my status has been scurrilously misrepresented and my name and image besmirched by some SAFA staff members and some SAFA Council Members, despite a mountain of evidence to prove the contrary.

These comments are highly misplaced and reminiscent of an ocholocratic organization. This is taking place despite the fact that the board (SAFA Council) of the Association has never called on me to hand in an exit report, as would be commonly expected from an outgoing CEO whose primary responsibility was to report to that board. This can be viewed as a gross dereliction of the board members’ fiduciary duties.

Based on the statements I have in my possession, none of the Council Members I interacted with have seen it fit to raise this matter in a Council meeting, despite my raising these concerns with them.

The Way Forward

I have therefore prepared, without prompting from the Council, my own personal account of my extraordinary frustrations with the President of the Association whom I consider to have failed in his primary responsibilities to exercise his fiduciary duty of care, duty of loyalty to the organization's mission and vision, duty to act in good faith and duty of obedience to good governance principles.

I trust that you will objectively examine my submission as I outline in some detail in the attached submission how my tenure was beset with difficulties occasioned by a President who would stop at nothing to act as Executive President and violate almost every principle of good governance. His conduct is contrary to the 1997 Pickard Commission of Enquiry Recommendations and constitutes a failure to adhere to the widely accepted norm of reasonable separation between operational management and policymaking organs of the Association. I avail myself for any further engagement on this matter whilst I attend to clearing up the misrepresentations that have been promoted in the public domain.

g) Hiring the Coach of the Men's Senior National Team

During previous searches for coaches of the National Teams, the CEO convened the relevant search committees, secured its final recommendation/s, negotiated a Heads of Agreement (pre-contract) and presented it to the Executive Committee for final approval. This would ensure that no negotiations would take place once an announcement of the preferred candidate had been made. This approach was successfully used for the hiring of the coaches of the Women's Senior National Team and two previous coaches of the Men's Senior National Team, as well as for all junior national team coaches during my tenure.

However, this well-established process changed drastically when a new Head Coach of the Men's Senior National Team had to be hired to replace a Head Coach whose services I terminated for gross insubordination. The SAFA Council appointed a Search Committee comprising of the President, Chairperson of the Technical Committee, Ms Anastasia Tsichlas, Messrs Lucas Radebe, Benni McCarthy, Budha Mathathe, Farouk Khan and Ms Anna Nyman.

Contrary to the provisions of Article 66.4.7 of the SAFA Statutes, which makes the CEO responsible for relations with SAFA's Committees, I was not allowed to participate in this process, but merely served as the record-keeper and not allowed any input into the process.

On Saturday, 25 February 2017, the President called a meeting of the Search Committee for Monday, 27 February 2019. At about noon that day, I met with the President who told me that Coach Carlos Queiroz had indicated to him a few months before that he was keen to return to South Africa and that we should call a press conference at 1:00pm to announce the appointment of Coach Queiroz. I asked whether he had spoken to Mr Queiroz recently and whether he knew that the Iranian FA was unwilling to release the Coach and that his salary demands equated to ZAR41m. The Association could therefore not afford his salary demands.

The President confirmed that he had not spoken to Mr Queiroz. However, he was nevertheless ready to make an announcement that had the potential of further tarnishing the image of the Association. After convincing him not to make the announcement, we proceeded to attend the Search Committee meeting scheduled for 2:00pm that same day. In other words, he was prepared to make an announcement without consulting the Search Committee!

The Search Committee had previously reduced the list of 60 applications to 19³⁵ in its first round and subsequently reduced it to a shortlist of 5 coaches. Those shortlisted were Coaches Gavin Hunt, Carlos Queiroz, Ruud Krol, Hassan Shehata and Frank Rijkhaard. The committee then resolved to interview the 5 candidates from the shortlist. The President indicated that he would approach the coaches to determine their availability.

However, about a week later, the President called to inform me that he had reached agreement with Coach Stuart Baxter and that he would call the Search Committee Members to discuss it with them. He also asked me to meet Coach Baxter to finalise a contract of employment.

This development was surprising as Coach Baxter was never among the candidates under consideration for the post and, as I learned subsequently, the name was never presented to the Search Committee. Both Mr Benni McCarthy and Mr Lucas Radebe have bemoaned the fact that they were not consulted on the hiring of Stuart Baxter. However, the name was presented to the NEC as a recommendation from the Search Committee. Other members of that Search Committee subsequently also denied that they were part of the decision.

The President negotiated a salary with Coach Baxter and asked me to put that in a contract of employment. I was never consulted – merely informed – about the quantum the President agreed with Mr Baxter. This constitutes a violation of Article 66 of the SAFA Statutes.

However, since the President never briefed me fully about the terms of his discussion with Coach Baxter, save to say that he agreed to a certain amount (without consulting me as the Accounting Officer), the coach presented his demands to me and the SAFA CFO, Mr Gronie Hluyo, claiming he had agreement with the President on the terms of his engagement, and also indicated that he wanted a strong scouting system as part of the agreement.

We struggled for 2 months to conclude a deal with Coach Baxter. It was only concluded after SuperSport United FC (Coach Baxter's employer at the time) gave us a 2-hour deadline to resolve the matter or else they would rescind their agreement to release him from his contract with them. This agreement, and its payment modalities, was still a subject of investigation by FIFA when I departed from SAFA.

7. Conclusion / In Summary

³⁵ Annexure 26 – List of the 19 Coaches from 1st Cut

It bears repeating here that the South African Football Association is in a precarious position financially and administratively and is treading soft ground on good governance practices.

The President's betrayal of his (and the membership's) transformation agenda has led the Association down a path to a ruinous future in the short to medium term.

From the very onset of his Presidency, Dr Jordaan has worked to install himself as an Imperial President – contrary to the FIFA model that he claimed to emulate – by taking over control of the Secretariat through direct intervention and by manipulating the SAFA constitution to centralise institutional power in the Presidency. He established a parallel administration in his office by running programmes and communications directly from there and has been issuing direct instructions to virtually all divisions in the Secretariat – with no deference to the General Secretary – who is the Accounting Officer – of the Association.

He has led an assault on the SAFA constitution to gain hegemony over communications with the SAFA membership and the SAFA NEC and has driven out his political opponents through the establishment of a majoritarian culture in the Association that has divided the organisation, alienating many competent leaders in the process. These majoritarian tendencies runs counter to democratic norms because it permanently alienates those with different views rather than seeking consensus in the true spirit of democratic governance.

So when Dr Jordaan and his supporters refer to the unity of the organization, he refers to the unity of his supporters, but does not include the myriad leadership and servants of football who have been ostracized through the ochlocracy that exists in SAFA.

The SAFA Statutes has undergone major revisions – at the instruction of the President – every two years since 2013, mostly to suit his own personal agenda. For instance, an Extraordinary Congress, held on 24 August 2013, made major revisions to the Statutes, among which was a decision to reduce the size of the Executive to 20 members by 2016. This was re-confirmed by the 26 September 2015 Annual Congress, held in Cape Town. However, since his power mainly derived from dispensing patronage, it is convenient to maintain the large Executive and to recruit local leaders to fill these roles. It was against this backdrop that he unilaterally decided in 2016 not to implement the changes mandated by the 2013 and 2015 congresses.

Dr Jordaan's rude and abusive behaviour toward numerous people throughout the Association is legendary. He delights in belittling people in public. At some stage, his conduct became so bad that I had to address it with him and invited him to a staff meeting to address the staff's fear of him and his inability to greet them when passing them in the passage in the office. In that meeting – also attended by Mr Mokoena and Mr Mxolisi Sibam, a member of the SAFA Audit Committee, he acknowledged that he was not the "warmest person" and that people often accused him of "being arrogant."

He has a startling tendency to respond irrationally to unfounded rumours spread by people who know that he is easily manipulated. Whilst this may be considered a private personality trait not worth alluding to in this narrative, this behaviour affects the day to day running of the organisation as it responsible for the climate of fear that exists within the Association.

Dr Jordaan's divisive tactics and abusive behaviour are outlined in more detail elsewhere in this document and it is worth noting that this conduct is responsible for the lingering mistrust – after more than 25 years of “unity” – between the Association and its most visible and impactful Member, the National Soccer League.

In addition to the troubling governance practices and abusive behaviour of Dr Jordaan, the most worrying factor is his rank unwillingness – ironically, in the name of good governance – to stop the financial rot that has engulfed the Association.

He has presided over an Executive that habitually takes decisions to spend money – despite having approved a budget at the commencement of the fiscal year. With the Accounting Officer's voice effectively stifled, this practice continues unabated in the NEC.

The President has also unilaterally taken financial decisions, namely the Fun Valley / NTC purchase and the plan to spend another ZAR100m on a hotel on site and the unilateral decision to write off ZAR450m of broadcast income, without so much as a fleeting deference to the Association's Accounting Officer (the CEO).

The Association has also misleadingly stated in the *Going Concern* section of the 2017-2018 AFS its expectation that government will pay the Association USD10m it supposedly owed – even though the Minister and Director General of Sport & Recreation South Africa clearly told them in October 2018 that this was unlikely to happen.

The Association is also operating without an approved budget – 9 months into the financial year – and there is no prospect that significant new sponsorships will be concluded or a broadcast deal reached with the SABC in the next 3 months.

These risky financial practices, coupled with a historical cashflow deficit inherited from a previous administration, has severely hobbled the Association's ability to improve its football development programmes.

At worst, this has rendered the Association technically insolvent as it struggles to meet its daily financial obligations to its hundreds of key stakeholders (Members, suppliers, staff).

The financial challenges faced by the Association is not because it has no potentially lucrative properties to sell. Bafana Bafana, according to its television ratings and support base, remains the most valuable sports property in the country.

Banyana Banyana's television ratings have rivalled the biggest clubs in the country's ratings and their public support has soared in recent years as witnessed by its good performances on and off the field. It has produced the African Women's Player of the Year for the second consecutive year in 2018. It has also been voted the best African Team in 2018 and the continent's No. 1 women's Coach.

The Association also has a membership base that can be converted into a marketable database that sponsors have been looking for. Its social media posts are read by millions of people every day.

The Association has also failed to get its licensing and merchandising programme off the ground – despite a USD300,000.00 grant from FIFA because of a marketing agent, brought to the Association by the President, unable to raise funds as promised.

All of the properties mentioned above have not been monetised because the President assigns much operational responsibility to Executive Members who are not employed by the Association, leaving operations staff confused as to their role in these processes. This, coupled with the President's virtual takeover of the Business Division, has left the Secretariat incapable of performing this vital task and has been responsible for the dire state of the Association's commercial plan.

Potential sponsors have also been unwilling to commit in meaningful numbers to any partnerships due to the serious reputational challenges faced by the Association. These reputational challenges include the alleged USD10m bribe paid to former FIFA VP Jack Warner and the rape and sexual harassment allegations against the President himself.

This cocktail of challenges has therefore rendered the Association incapable of delivering on its mandate as stated in its Statutes.

It therefore has to be emphasised that the President of the South African Football Association has committed gross dereliction of his duty and violated every one of the 8 major principles of Good governance I mentioned at the opening of my presentation. These principles are participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account.

Respect for good governance is merely granted lip service while a nefarious version of a SAFA ocholocracy is practiced.

** END OF NARRATIVE **

LIST OF ANNEXURES

- A. Report of the Pickard Commission of Enquiry
- 1. 2010-08-27 - Presentation by Prof Michael Katz to the SAFA NEC Lekgotla
- 2. Constitutional Role of the CEO
- 3. Letter from FIFA re Changes to SAFA Statutes - 6 Sep '11
- 4. Report - Special Committee on Relations Between SAFA and NSL
- 5. Summary of Statutory Amendments - October 2017
- 6. Circular to SAFA Members re Congress Agenda
- 7. Reference from the Delegate Meeting Pack
- 8. Minutes - Ordinary NEC Meeting - 19 August '17
- 9. Extract from the 2017-2018 AFS' Going Concern Statement
- 10. SAFA-Siyaya Agreement - Signed - 30 May '14
- 11. SABC Short form agreement - Signed - 26 May '15
- 12. 2018-07-19 - eMail from Sidenberg Re Siyaya Agreement
- 13. 2017-2018 SAFA Annual Financial Statement
- 14. Agreement for Provision of PR Services – Grit Communications
- 15. Minutes - Emergency Committee Meeting - 14 Sep '16
- 16. Contract of Employment - Dennis A. Mumble - Apr '13 –Signed
- 17. Acting CEO Contract - Dennis Mumble - Signed 7 Nov '12
- 18. KPAs - Dennis Mumble - CEO '13-'14
- 19. Draft Contract of Redeployment
- 20. 2018-22 Standing Committees
- 21. List of Meetings with the President
- 22. Joint Memorandum from Messrs Nhlapo and Shishana
- 23. Extract from Council Minutes of 20 Oct '17
- 24. A Summarized Turnaround Strategy
- 25. Report of the Remunerations Committee to the Council Meeting of 25 Mar '17
- 26. List of the 19 Coaches from 1st Cut