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# Fix the Rules Before the Vote: A Warning on SAFA's Elections

## Why SAFA Cannot Elect Its Way Out of a Governance Crisis

By Dennis A. Mumble  
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### Part I: When Elections Legitimate an Undemocratic Order

Elections are commonly understood as the heartbeat of democracy. Yet history, law, and political philosophy warn us that elections, when conducted within a fundamentally flawed constitutional framework, can become instruments of entrenchment rather than renewal. In my Sociology 101 class, I learned that Hannah Arendt and Max Weber cautioned against the manipulation of legality to clothe domination in the appearance of legitimacy. It is precisely this danger that confronts South African football today.

The South African Football Association (SAFA) cannot have a credible election before undertaking substantive constitutional reform. It would therefore be premature to propose any candidate to replace the current SAFA President. The constitutional amendments adopted in 2022 systematically dismantled democratic safeguards that had previously allowed the association to function, albeit imperfectly, as

a nominally democratic sporting body. In their place emerged a structure that concentrated power in the hands of the National Executive Committee (NEC), and more specifically, established a domineering post of President.

The result is not merely poor governance. It is the transformation of SAFA into what political theorists would describe as an *illiberal institution*: formally electoral, but substantively autocratic. To hold elections under such conditions would not restore democracy; it would legitimise its absence.

### From Participatory Reform to Executive Domination

In 1997, SAFA, working alongside national government and civil society formations such as the National Sports Council, convened a National Football Indaba to install democratic governance in SAFA. That process reflected a belief — deeply rooted in South Africa's post-apartheid constitutional culture — that participatory dialogue, transparency, the rule of law, integrity, and accountability were essential to rebuilding institutions. For a period, football benefitted from that ethos.

However, as with many institutions in our young democracy, governance deterioration followed when leadership drifted away from constitutional restraint. The most recent constitutional amendments mark the culmination of that drift. Far from being neutral administrative updates, they were political interventions designed to consolidate incumbency and marginalise dissent.

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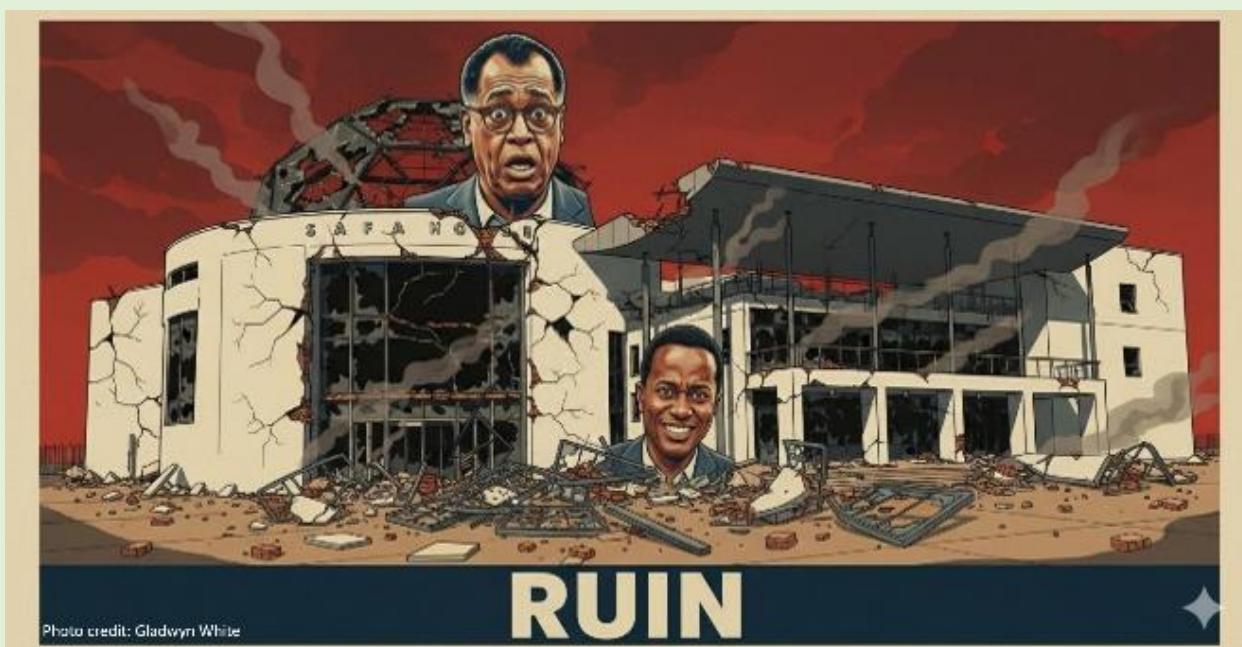
## Constitutional Design as a Tool of Control

The current SAFA Constitution exhibits several fatal flaws:

- It is deliberately structured to entrench incumbents, making leadership renewal virtually impossible. A provision, never discussed at any SAFA Congress, which prevents all former NEC members from contesting elections in SAFA, was fraudulently inserted.
- It demotes key members — most notably the Premier Soccer League (PSL) and Associate Members, where football legends are affiliated — to second-class status by denying them the right to nominate candidates for the Presidency. The PSL has refused to attend any SAFA meetings since then.
- It imposes unrealistic eligibility criteria that practically exclude specialists in coaching, refereeing, medicine, law, and sports science — fields essential to modern football governance — while privileging political operatives with little technical expertise.

- It violates the elementary constitutional principle of separation of powers by stripping its nominal highest decision-making body, the Congress, of its authority and transferring meaningful accountability to the executive.
- It weakens the role of the Chief Executive Officer in favour of an Executive Presidency, in direct contradiction of the Pickard Commission of Enquiry's recommendations.
- It removes Congress' power to approve audited financial statements, thereby severing the most basic line of financial accountability.

Enlightenment philosopher and political theorist, John Locke, argued that legitimate authority derives from consent and is constrained by law. Where those constraints are removed, power ceases to be fiduciary and becomes arbitrary. SAFA's constitutional framework has crossed that line.



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## Governance in Name Only

Predictably, constitutional decay has produced governance failure. Most elected officials lack even basic training in sports governance and regulatory interpretation. Rules are applied inconsistently, often filtered through personal loyalties and factional politics. Elections across SAFA's structures are no longer independently administered; the Electoral Code has been quietly displaced (not rescinded) by opaque processes and ill-defined roles.

Oversight bodies routinely exceed their constitutional mandates. The Membership Affairs Committee, for example, has become an interventionist force in Local Football Association (LFA) and Regional elections, despite having no constitutional authority to do so. Dispute resolution mechanisms fare no better: the Arbitration Panel is woefully out of compliance with FIFA Circular #1010, which prescribe the composition and principles under which arbitrations are to be conducted, and the Disciplinary Code has not been reviewed since 2012, despite a need for annual reviews. The Senior Counsels and attorneys who serve on these arbitration panels ought to be ashamed of themselves.

Most concerning is the concentration of discretionary power in the Presidency. The NEC no longer operates according to a fixed annual calendar and increasingly relies on round-robin resolutions that suppress debate and neutralise dissent. Votes are tallied with little transparency, and dissenting views simply vanish from the record – ignored by a CEO who ignores communiques from Executive Committee Members about mundane matters such as agenda construction and meeting scheduling

as well as accuracy of minutes generated from NEC meetings.

I once tried to read Montesquieu's *The Spirit of Laws* in full and got to chapter XI where I learned “[w]hen the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.” He also said when power is not checked by power, liberty evaporates.

To conduct elections within the current framework would be to ratify dysfunction. Democracy cannot be restored by procedure alone when the constitution itself has been weaponised against participation.

In Part Two, I will delve deeper into the governance and administrative dysfunction that militates against conducting elections in a toxic environment and propose solutions for the way forward.

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## Part II: Restoring Democratic Football Governance Before Any Election

In Part I, I diagnosed the illness; I now propose the cure. The crisis in SAFA is not merely administrative or reputational; it is constitutional. And constitutional crises demand constitutional solutions.

### Administrative Collapse and Reputational Damage

SAFA's administrative failures are well documented. Chronic instability in senior management, missed reporting deadlines, and operational incompetence have undermined confidence in the association's ability to deliver on its mandate. Recent examples — including interference by the national office in LFA elections in distant regions reminiscent of the 2022 elections

and the international embarrassment arising from failure to track players' yellow cards in World Cup qualifiers; failure to book hotel rooms and training venues; and an inability to correctly interpret the FIFA competition rules — underscore the depth of institutional decay.

Reputational damage has compounded these failures. Allegations of criminal misconduct, persistent non-payment of grants to members, unpaid prize money and travel allowances, and arbitrary removal of clubs from leagues have become routine. These actions have triggered costly legal disputes, draining resources meant for football development.

The situation reached a constitutional nadir when SAFA officials appeared before Parliament's Portfolio Committee on Sport, Arts and Culture and were caught misleading



Photo credit: Gladwyn White

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Parliament — on more than one occasion. In November 2025, Parliament openly contemplated an Ad Hoc Committee investigation following repeated misrepresentations by SAFA leadership. In any constitutional democracy, such conduct would precipitate resignations. In SAFA, it is worn as a badge of distinction.

### **Why Elections Now Would Be Pointless**

Legal scholars distinguish between *formal legality* and *substantive legitimacy*. An election may comply with procedural rules yet still lack legitimacy if those rules systematically exclude stakeholders, suppress accountability, and entrench power. This is precisely the danger of proceeding with SAFA elections under the current constitution.

Elections held now would:

- Merely transfer power between factions within the limited cohort of eligible nominees, under the same set of exclusionary rules;
- Legitimate an unsustainable concentration of power;
- Exclude large sections of the football community from meaningful participation;
- Reinforce governance structures that are already non-compliant with FIFA regulations;
- Foreclose the possibility of genuine reform by locking in beneficiaries of this manufactured dysfunction.

In short, they would deepen the crisis rather than resolve it.

### **Immediate and Necessary Interventions**

Several urgent steps are required before any election can be credibly contemplated:

#### **1. A National Football Indaba**

Government, civil society, and SAFA must convene a National Football Indaba, as requested by football supporters from funds already supplied by government in 2020. Such a forum would restore participatory legitimacy and allow stakeholders to collectively redesign football governance, and mandate the specific changes to the SAFA constitution.

#### **2. Comprehensive Constitutional Reform**

SAFA must amend its constitution, rules, and regulations to restore democratic governance. This includes reinstating Congress' oversight powers including financial authority, ensuring fair representation of all members, rebalancing executive authority, and aligning dispute resolution mechanisms with FIFA standards and global best practice.

#### **3. Legislative Oversight of Sport Governance**

Parliament should consider a stronger legislative framework for sport, particularly football, drawing lessons from jurisdictions such as the United Kingdom and other nations where meaningful football reform had been successfully achieved. Autonomy in sport cannot mean immunity from accountability.

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#### 4. Independent Sports Dispute Resolution

South Africa urgently requires a localised, independent sports dispute resolution body, modelled on the Court of Arbitration for Sport but accessible, affordable, and insulated from political interference. Global sports jurisprudence is rich and well developed; South African sport should be drawing on it rather than reinventing dysfunctional systems that disadvantage athletes and clubs against the asymmetric power of these institutions.

#### Democracy Before Elections

Elections are not an end in themselves. They are meaningful only when embedded in a constitutional order that respects fairness,

accountability, inclusion, and the rule of law. To proceed with SAFA elections before repairing the constitutional foundations of the association would be to confuse ritual with democracy.

**Football in South Africa deserves better. Democracy must come first — *then* elections can follow.**

