
SAFA's Leadership Lied to Its Members: FIFA Cannot Ban Access to Courts

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The events that unfolded at the SAFA Congress of 24 May 2026 should concern every football administrator, player, coach, referee, supporter, and citizen who believes in democracy, accountability, and the rule of law.

On that day, four elected members of the National Executive Committee were expelled from office. The justification offered to Congress was simple: they had allegedly failed to exhaust internal remedies and had supposedly violated FIFA's rules by approaching the courts. Delegates were effectively invited to believe that FIFA prohibits football officials from seeking justice in courts of law and that those who do so place South African football at risk.

This was not merely an oversimplification of the law. It was profoundly misleading.

For years, SAFA's leadership has cultivated the narrative that FIFA's statutes create an absolute prohibition against access to courts. This narrative has been repeated so frequently that many honest football administrators have come to accept it as fact.

Yet the truth is very different. FIFA's judicial framework has never operated as a blanket prohibition on judicial oversight, nor could it lawfully do so.

The picture is clear in the case of referrals to ordinary courts of law or CAS: FIFA's goal is to establish numerous internal tiers of dispute resolution mechanisms, culminating in national-level arbitration.

However, private law cannot oust the jurisdiction of any ordinary court of law in Switzerland and South Africa. FIFA, as a private body based in Switzerland, is bound by Swiss law and cannot cause its members to eschew access to courts of law.

Similarly, South African case law specifically prohibits private bodies from ousting the jurisdiction of South African courts. True, the courts have granted private bodies like SAFA the discretion to apply their own rules on the merits primarily, but only insofar as the Association abides by its own rules or its decisions do not offend the sense of justice or fairness.

An ordinary court of law therefore remains the alternative for the review of an arbitral award. FIFA simply requires that every Member Association establish an arbitration tribunal as the last internal appeal mechanism.

Moreover, clubs in the 2nd Division, the Women's Provincial Leagues, and the National Soccer League routinely refer matters to courts of law and face no punishment for doing so.

It is therefore clear that the sanction is reserved for political opponents of the leadership only.

The irony is striking. Even the Court of Arbitration for Sport itself, the institution

FIFA regards as the pinnacle of sports dispute resolution, remains subject to judicial review. CAS is seated in Switzerland and its awards may be reviewed by the Swiss Federal Tribunal.

Within Europe, the European Court of Justice has affirmed that sports arbitration cannot exist in a legal vacuum and that national courts retain an important supervisory role in protecting fundamental rights and public policy. The very system upon which FIFA relies ultimately recognises the authority of courts.

Why then should ordinary members of SAFA be told that they possess fewer rights than those afforded under the very international system FIFA itself operates within?

The answer is uncomfortable.

Because the myth of an absolute prohibition on court access serves those who benefit from unaccountable power.

South African law has never accepted such a proposition. For generations, our courts have recognised that voluntary associations remain subject to the rule of law. They have repeatedly affirmed that membership rights matter, that procedural fairness matters, and that organisations cannot simply ignore their own constitutions without consequence. Courts have consistently intervened where associations deny members a fair hearing, manipulate internal processes, or render internal remedies ineffective.

The principle is straightforward: internal remedies must be real, available, and effective. They cannot exist merely on paper.

SAFA LEADERSHIP: POWER. LIES. IMPUNITY.
THE TRUTH THEY DON'T WANT YOU TO KNOW

WEAPONISING THE RULES

- ✓ Removed opponents before elections (2022): Gay Mokoena, Ruo Luvuvu, Willie Nkomo
- ✓ Unlawful interference in Regional elections
- ✓ Nullified LFA elections (Dec 2021) on a rancour
- ✓ Buffalo City: LFA declared "not in good standing" on election morning – no criteria adopted
- ✓ Thabo Mfutshanyana: REC members allowed to vote – against the Constitution
- ✓ Whetzie Region: Ordered parallel congress after 2 week extension to comply with own Statute

SAFA PROHIBITS COURT ACTION! INTERNAL REMEDIES MUST BE EXHAUSTED! WE FOLLOW THE RULES! TRUST US.

SAFA CONGRESS 24 MAY 2026

SAFA ENDORSES

WE TELL YOU WHAT YOU WANT TO HEAR. WE DO WHAT WE WANT.

ACCOUNTABILITY? NOT IN OUR GAME.

SAFA BELONGS TO ITS MEMBERS, NOT TO A FEW MEN IN POWER.

SAFA CONSTITUTION CHANGED TO PROTECT THE PRESIDENT

ABUSE OF CONSTITUTION

- ✓ Centralisation of power – more powers every 4 years
- ✓ May 2025: Constitutional amendment allows President to sign commercial contracts – admits he had no authority
- ✓ More supervisory power over CEO
- ✓ One of the criminal charges: signed contract for personal benefit

THOSE WHO LOOK THE OTHER WAY

Minister of Sport, Arts and Culture (March 2025):
"Things are going well under the current SAFA President."
IGNORING THE TRUTH. ENABLING THE ABUSE.

STOP THE LIES. DEMAND ACCOUNTABILITY. RESTORE JUSTICE.

THE DAMAGE TO OUR GAME

- DEMOCRACY DESTROYED
- RULE OF LAW DISREGARDED
- CLIMATE OF FEAR AND INTIMIDATION
- CORRUPTION NORMALISED
- TRUST LOST. FOOTBALL BLEEDS.

SUSPEND. EXPEL. SILENCE.

- ✗ 2025: 4 REC members suspended without hearings
- ✗ Expelled at Congress – no notice, no charges, no right to be heard
- ✗ Disciplinary committee only convened AFTER court application
- ✗ Chairperson wanted DISMISSAL removed in 2022
- ✗ President forced EXPELLION also removed in 2022
- ✗ SAFA Cape Town objected – rancour shut down
- ✗ Vice-President lied to media: "FIFA ban... failed to exhaust internal remedies"

EXPELLED

NOTICE APPEAL REVIEW DISCIPLINARY COMMITTEE 4 JUNE 2025

IGNORED

PUNISHING WHISTLEBLOWERS

- ✗ Willie Mokoena opened criminal case that led to charges against President
- ✗ Dropped before makeshift disciplinary committee (JC not on any panel)
- ✗ Found guilty because he reported to the police
- ✗ Direct violation of Section 18 of PREVENTION & COMBATING OF CORRUPT ACTIVITIES ACT

WARRANTED OR ELSE

ARBITRATION ACCESS DENIED

DENIED ACCESS TO JUSTICE

- ✗ Arbitration blocked since 2022
- ✗ Declarations of dispute not submitted
- ✗ SAFA accepts arbitrations fees but refuses arbitration – no refunds
- ✗ Opposition silenced – no access to internal remedies
- ✗ Two 2022 presidential candidates denied arbitration after the election

This is where the events surrounding the expulsion of the four NEC members become particularly troubling.

The leadership of SAFA argued that these officials had failed to exhaust internal remedies. Yet the undisputed reality is that SAFA itself had denied them access to arbitration, which constitutes the final stage of the internal dispute resolution process. One cannot simultaneously deny individuals access to arbitration and then punish them for failing to utilise arbitration. Such reasoning offends both logic and justice.

The position adopted by the leadership effectively created a closed circle from which no escape was possible. Members were told they could not approach the courts until they exhausted internal remedies. Yet when they attempted to access those internal remedies, they were denied access. Thereafter, they were punished for seeking judicial intervention.

No fair-minded observer can regard such a system as legitimate.

The facts become even more troubling when one examines the sequence of events immediately preceding the expulsions. Contrary to the impression later conveyed to Congress and the public, the affected NEC members had not approached the courts in an attempt to bypass SAFA's internal processes or to litigate the substantive merits of their disputes.

They had repeatedly sought access to arbitration, which constitutes the final stage of SAFA's internal dispute resolution framework. When those requests went unanswered, they approached the courts primarily to compel access to the very arbitration process that SAFA would later accuse them of failing to exhaust.

Indeed, the members had already received notices directing them to appear before a disciplinary committee on 4 June 2026. The disciplinary process was therefore already underway. The suggestion that they had abandoned or circumvented internal remedies was not merely inaccurate; it inverted the reality of what had occurred.

The events at Congress itself raise even deeper concerns. The Chairperson of the Legal and Constitutional Affairs Committee proposed that the affected members be subjected to the sanction of dismissal. Yet dismissal as a disciplinary sanction had been removed entirely from SAFA's Statutes in 2022. Then the SAFA President performed a *volte-face* and pushed the vote for the members instead to be expelled.

What Congress was not informed, however, was that the sanction of expulsion had likewise been removed from the Statutes during the 2022 constitutional reforms.

The rush with which the matter was put to a vote gave rise to an even more troubling concern. Before the vote was taken, the delegate from SAFA Cape Town raised two objections of obvious constitutional significance: first, that the allegations against the affected NEC members could simply be incorporated into the disciplinary proceedings that had already been scheduled; and second, that no provision of the SAFA Statutes appeared to confer upon Congress the power to impose such a sanction.

Rather than allowing these concerns to be properly ventilated, the President abruptly shut down the intervention, refused to entertain any further comment from the delegate, and pressed ahead with the vote. Delegates were thus denied the opportunity to consider whether Congress was being asked to exercise a power it did not possess

and to impose a sanction that no longer existed within the Association's constitutional framework.

The unavoidable inference is that the vote was expedited precisely to prevent meaningful scrutiny of the legality of the proposal.

Most troubling of all was the complete disregard for the elementary requirements of natural justice.

The affected NEC members were never notified that Congress would be asked to consider their expulsion. They were never furnished with charges to be considered by Congress.

They were never afforded an opportunity to present evidence, challenge allegations, or address delegates before the vote was taken. The foundational principle of *audi alteram partem* — the right to be heard before adverse action is taken — was simply ignored.

Yet despite these glaring procedural deficiencies, the narrative advanced after Congress was that the affected members had brought their predicament upon themselves by violating FIFA rules and failing to exhaust internal remedies.


That narrative was reinforced when the SAFA Vice-President publicly repeated those claims during a post-Congress press conference. In doing so, the leadership transformed what was fundamentally a dispute about procedural fairness, constitutional legality, and access to justice into a misleading story about disobedience to FIFA's rules.

The public was left with the impression that the expelled officials had defied football's legal framework when, in reality, the more

pressing question was whether the Association's own leadership had respected that framework at all.

The consequence is that Congress was asked to make a decision based upon a false premise. Delegates were led to believe that the expelled NEC members had somehow violated FIFA's legal framework when, in reality, they had sought to exercise rights recognised not only under South African law but also within the broader international legal framework governing sports arbitration.

This matters because democracy depends upon informed decision-making. Congress is the supreme authority within SAFA. Its legitimacy rests upon delegates receiving accurate information before exercising their voting rights. If delegates were induced to support expulsions based upon an incorrect understanding of FIFA's rules and the law governing access to justice, then the integrity of the entire process becomes questionable.



Congress' legitimacy rests upon delegates receiving accurate information before exercising their voting rights

More fundamentally, the issue extends beyond the fate of four individuals.

The question confronting South African football is whether power will remain subject to accountability.

Football belongs to millions of South Africans. It does not belong to any president, executive committee, faction, or political grouping. It is sustained by volunteers, amateur administrators, coaches, parents, players, and supporters who devote countless

hours to building the game from the ground up. Those individuals deserve governance founded upon honesty, transparency, and respect for constitutional principles.

They deserve leaders who explain the rules accurately rather than selectively.

They deserve dispute resolution systems that are accessible rather than obstructed.

They deserve elections that are fair rather than manipulated.

And they deserve the assurance that no official, regardless of rank or influence, can place themselves above the law.

The expulsion of the four NEC members therefore represents more than an internal political dispute. It is a test of whether South African football remains committed to the values of accountability and constitutional governance or whether it will continue down a path where legal processes are manipulated to silence dissent and entrench power.

SAFA members and the South African public should understand one fundamental truth: FIFA does not prohibit access to courts. It never has. The notion that football officials must surrender their constitutional right to seek judicial protection is a fiction.

The delegates who voted on 24 May 2026 deserved to know that truth.

The football community deserves to know that truth.

And those who promoted the contrary narrative should be required to account for it.

For when misinformation is used to justify the removal of elected officials, the real

casualty is not merely democracy within football. It is public trust itself.

Induced Ignorance and Hubris

Perhaps the most disturbing aspect of the events of 24 May 2026 was not merely the outcome itself, but the confidence and air of unquestioned authority with which fundamentally flawed propositions were advanced and embraced.

The Chairperson of the Legal and



Constitutional Affairs Committee addressed Congress as though he were invoking a valid constitutional power when he proposed the dismissal of the affected NEC members. Yet dismissal had been removed from the SAFA Statutes in 2022 and no longer existed as a lawful sanction.

Equally alarming was the willingness of delegates to support the subsequent proposal for expulsion, notwithstanding the fact that the power to expel individuals had also been removed from the Statutes during the same constitutional reforms.

The SAFA Cape Town delegate twice asked for the specific legal authorities for the

proposed sanction. Instead, he was shouted down by the President when he wanted answers to his questions. In a constitutional organisation governed by written rules, those questions should have been decisive. Instead, it was ignored.

The episode revealed a deeper and more troubling governance crisis. The President sought to justify the proposal by referring to the 2014 expulsion of Chief Mwelo Nonkonyana, apparently oblivious to, or unwilling to acknowledge, the fact that the constitutional framework governing SAFA has changed significantly since then.

Even more importantly, the Nonkonyana matter itself stands as a questionable precedent because he too was denied the elementary right to be heard before the sanction was imposed. Had he possessed the financial resources to pursue the matter through the courts, there is every reason to believe that the legality of that decision would have been subjected to serious judicial scrutiny.

An unlawful act does not become lawful merely because it occurred in the past. Yet Congress was invited to treat a contested historical injustice as a legitimate precedent for a new one.

What these events ultimately expose is not merely a failure of legal compliance, but a serious deficit in governance sophistication within significant sections of football leadership.

Many delegates appeared genuinely unaware of the constitutional limitations upon their powers and responsibilities. This is perhaps unsurprising in a system that has invested insufficiently in governance education, constitutional literacy, and leadership development.

However, such ignorance becomes dangerous when it is exploited by those who ought to know better. The Chairperson of the Legal and Constitutional Affairs Committee is an occasional Acting Judge, entrusted by society with the interpretation and application of law. He should have known that the sanctions being proposed had no foundation in the governing constitutional framework of the Association.

If he knew this and proceeded regardless, his conduct was deeply cynical. If he did not know it, the implications are equally troubling. In either case, the result was that ordinary delegates, many of whom lacked the legal knowledge to challenge the proposition, were misled into supporting a resolution that appears fundamentally inconsistent with the Association's own rules.

Alternatively, the two Regions who rose to support the framing, were hard-line political supporters of the SAFA leadership and are typically given instructions on how to vote in a factional caucus held before the Congress. So, they cannot escape blame for the state of organisational dysfunction and lawlessness that was displayed in this Congress.

Such conduct should be unequivocally condemned. Football cannot be governed through the selective invocation of rules, the suppression of dissenting voices, and the manipulation of constitutional processes to achieve predetermined political outcomes.

Power is legitimate only when exercised within the limits of the law

The future of South African football depends not only upon better leaders, but upon a culture in which every administrator, from local football associations to the highest

structures of the game, understands that power is legitimate only when exercised within the limits of the law.

Until that culture takes root, the greatest threat to South African football will not come from the pitch, but from the boardroom.