The Judiciary Has Failed South African Sport

The Cost of Justice in South African Football is Simply Too High

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The South African Sports Governance Crisis

The question of access to justice in South African sport has become inseparable from the broader crisis of sports governance. As argued in my previous paper, *The Sports Minister Is Dead Wrong: Winning Matches Is Not Governance*, success on the field cannot be used to excuse failures of accountability, constitutional compliance, transparency and institutional oversight. These concerns are particularly acute in South African football, where the apparent support for, and tolerance of, the SAFA leadership by the Minister of Sport, Arts and Culture raises serious questions about the willingness of those entrusted with public oversight to confront governance failures decisively.

The controversy surrounding SAFA's leadership, its contested governance and electoral processes, and the need for meaningful parliamentary accountability illustrate why football cannot be allowed to operate beyond the reach of effective scrutiny. When institutional authority is used, or perceived to be used, to protect the status quo rather than uphold constitutional principles, the result is an environment in which impunity can become entrenched and legitimate challenges to power become costly, protracted and inaccessible.

The urgency of confronting this culture extends well beyond football. In September 2026, SASCOC President Barry Hendricks was suspended pending an internal judicial process following an independent investigation that found prima facie grounds for referring allegations for further consideration; this was not a finding of guilt.

Athletics South Africa has faced serious governance deficiencies, leadership disputes and international pressure to reform its constitution and hold fresh elections, while Parliament has repeatedly raised concerns about the administration of the sport and the protection of athletes' interests.

These developments reinforce a troubling national pattern: the institutions established to govern sport are themselves increasingly being called upon to account for their conduct. Against this background, this paper is a compelling call to action. Where internal remedies fail, oversight is inadequate and access to justice is constrained by the financial cost of litigation, those with fewer resources may be effectively denied justice.

Pulling South African football out of its age of impunity requires more than changes in leadership: it demands accessible justice, independent oversight and the consistent enforcement of constitutional and governance standards, regardless of an official's position or influence. Without these safeguards, accountability risks becoming a privilege available only to those who can afford to pursue it.

When the Rules Become Weapons

There is a quiet constitutional tragedy unfolding in South African sport, particularly in football. It is not merely a story about corruption, maladministration, factionalism, or poor governance. It is a story about justice denied to the poor through systems that pretend to be neutral while operating in ways that overwhelmingly favour those with power, money, institutional access, and procedural sophistication.

At the centre of this tragedy lies an uncomfortable truth: the South African judiciary has not yet developed a sufficiently sensitive jurisprudence for the realities of sports disputes involving poor participants trapped inside abusive voluntary associations. In practice, the courts often treat all litigants as though they possess equal resources, equal education, equal procedural capacity, and equal institutional power. They do not.

The result is devastating. Poor football administrators, amateur officials, coaches, players, referees, and community football participants are routinely denied meaningful access to justice because the legal system imposes procedural and financial burdens that many simply cannot overcome. The

barriers are not always dramatic. Sometimes they arise through filing fees, transcription costs, travel expenses, requirements for formal pleadings, the production of documentary proof, urgent application procedures, or the expectation that litigants must understand arcane procedural rules that even legally trained professionals struggle to navigate.

In theory, the Constitution promises equality before the law. In practice, access to justice in sport has become profoundly unequal.

This inequality becomes particularly dangerous within football governance structures, where internal dispute resolution systems are frequently controlled by the same officials against whom complaints are lodged. In such an environment, the doctrine requiring the exhaustion of internal remedies before approaching the courts often becomes not a shield for institutional autonomy, but a weapon of oppression.

The judiciary's failure to appreciate this reality has contributed to an environment of impunity in South African football. Unlawful suspensions, manipulated electoral processes, unconstitutional disciplinary actions, selective enforcement of rules, and factional abuse of administrative power have become normalised precisely because many victims cannot realistically access justice.

The constitutional promise of accountability cannot survive where justice itself has become economically inaccessible.

The Constitutional Promise of Access to Justice

The South African Constitution is not merely a technical legal document. It is a transformative charter designed to dismantle historical patterns of exclusion and domination. Section 34 guarantees that:

> *"Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court, or where appropriate, another independent and impartial tribunal or forum."*

The importance of this provision cannot be overstated. Section 34 was intended precisely to prevent systems where formal rights exist only for those wealthy enough to enforce them.

The Constitutional Court has repeatedly emphasised that access to courts is foundational to democracy itself.

In *Chief Lesapo v North West Agricultural Bank and Another* 2000 (1) SA 409 (CC), the Constitutional Court recognised access to courts as central to the rule of law and constitutional democracy. The Court stressed that individuals cannot be deprived of lawful mechanisms through which disputes may be fairly adjudicated. The judgment recognised that arbitrary power flourishes where access to independent adjudication is undermined.

Similarly, in *De Beer NO v North-Central Local Council* 2002 (1) SA 429 (CC), the Constitutional Court emphasised that procedural fairness and meaningful participation are integral components of constitutional governance.

These principles have profound implications for sport.

Football associations are not private clubs operating in constitutional isolation. They exercise enormous public power over livelihoods, reputations, careers, democratic participation, and community life. Their decisions often determine who may participate in public sporting life, who may stand for office, who may vote, who may work, and who may speak within sporting structures.

Where such organisations wield public-like power, constitutional scrutiny becomes unavoidable.

Inadequate Resources as a Structural Barrier to Justice

One of the judiciary's greatest blind spots in sports disputes is its insufficient appreciation of the lack of resources and the rampant of abuse of power as a structural impediment to justice in sport.

Courts frequently insist that litigants exhaust internal remedies before seeking judicial intervention. In principle, this doctrine serves legitimate purposes: institutional autonomy, procedural efficiency, and judicial restraint.

But what happens when internal remedies are financially inaccessible and the respondents to claims of abuse hold the keys to the administration of justice in the sports body?

What happens when arbitration requires a non-refundable deposit of R30,000 for a Regional League team — an impossible amount for most amateur football participants? R50,000.00 for Provincial League teams, and R100,000.00 for a PSL team!

Arbitration, Protest, and Appeal fees have just skyrocketed to astronomical amounts in a newly-published (October 2026) schedule of fees.

The additional cost of legal representation, travel across provinces, access to transcripts, and familiarity with increasingly complex procedural rules imposes extra costs to an already wealth-based system of justice in football.

What happens when the decision-makers controlling internal processes are themselves implicated in the disputes?

In such cases, the insistence on exhausting internal remedies becomes constitutionally problematic.

The Constitutional Court in *Mohlomi v Minister of Defence* 1997 (1) SA 124 (CC) warned against procedural barriers that effectively deny vulnerable people access to justice. Justice Didcott recognised that legal systems must account for the realities of inequality, ignorance, poverty, and social vulnerability.

That insight applies with particular force to sport.

The poor do not experience procedural rules in the same way as the wealthy. A procedural delay that is inconvenient for a well-funded institution may be catastrophic for an unemployed coach, volunteer administrator, or community football activist.

Pierre Bourdieu's sociological work on symbolic power is highly relevant here. Bourdieu argued that institutions often reproduce inequality by disguising structural privilege as neutrality. Courts may believe they are applying "neutral rules", while in reality those rules disproportionately favour litigants with economic and institutional capital.

This phenomenon is visible throughout South African football litigation.

Those controlling institutions typically possess:

- access to organisational resources;
- legal advisers;
- institutional records;
- communication infrastructure;
- political networks;
- inconsistent procedural knowledge; and
- time.

The ordinary football participant possesses none of these advantages.

Yet the legal system frequently behaves as though both parties stand before the court on equal footing. They do not.

The Fiction of Equality Before the Law

Formal equality and substantive equality are not the same thing.

The South African Constitution embraces substantive equality — the recognition that justice sometimes requires differential treatment to account for structural disadvantage.

The Constitutional Court's equality jurisprudence, particularly in *Minister of Finance v Van Heerden* 2004 (6) SA 121 (CC), acknowledged that identical treatment in unequal circumstances perpetuates injustice rather than cures it.

This insight has not been sufficiently incorporated into sports jurisprudence.

Judges often evaluate sports disputes through narrow procedural lenses:

- Was the application filed correctly?
- Were time periods complied with?
- Were internal remedies exhausted?

- Was urgency self-created?
- Were papers served properly?

These questions matter. But constitutional adjudication cannot end there.

Where constitutional rights are plainly threatened — freedom of association, democratic participation, dignity, procedural fairness, equality — courts must ask deeper questions:

- Who possesses power?
- Who controls the institution?
- Who controls the process?
- Who can realistically afford litigation?
- Who benefits from delay?
- Who designed the internal procedures?
- Are those procedures genuinely independent?

Without such sensitivity, procedural formalism becomes an accomplice to abuse.

Football Governance and the Abuse of Internal Processes

South African football governance presents a particularly acute example of institutional asymmetry.

In many disputes:

- the very officials standing for election control nomination processes;
- disciplinary mechanisms are weaponised against political opponents;
- suspensions occur shortly before congresses or elections;
- internal tribunals lack independence;
- constitutions are inconsistently interpreted;
- appeals are delayed indefinitely; and
- suspensions continue for years without finality.

These practices undermine not merely football governance, but constitutional democracy itself.

Freedom of association under section 18 of the Constitution includes meaningful participation in associations. Where individuals are arbitrarily suspended or excluded through unlawful processes, their constitutional rights are directly implicated.

The courts have sometimes failed to appreciate the urgency of these violations.

An election held under unlawful conditions cannot easily be undone later. Once power is consolidated through manipulated processes, the damage becomes institutionalised. Delayed justice in sports governance disputes frequently becomes permanent injustice.

This reality should alter judicial approaches to urgency.

The Misapplication of Judicial Deference

South African courts often display excessive deference toward voluntary associations.

Certainly, associations deserve autonomy. But autonomy cannot mean immunity from constitutional scrutiny.

The doctrine of judicial non-interference developed historically from the assumption that voluntary associations operate democratically and fairly. That assumption frequently collapses within dysfunctional sporting environments.

Where associations:

- violate their own constitutions;
- manipulate disciplinary systems;
- deny fair hearings;
- weaponise suspensions;
- obstruct democratic participation; or
- make remedies financially inaccessible,

judicial deference becomes dangerous.

In *Turner v Jockey Club of South Africa* 1974 (3) SA 633 (A), the courts recognised that voluntary associations exercising disciplinary authority remain subject to principles of natural justice.

Yet modern sports governance disputes require a far more developed constitutional framework than older private-law approaches provide.

The exercise of power within sport increasingly resembles administrative action affecting constitutional rights and public interests.

International Sports Jurisprudence and Asymmetrical Power

International sports law has begun recognising the asymmetrical relationship between athletes and institutions.

The jurisprudence of the Court of Arbitration for Sport has increasingly acknowledged that athletes and individual participants often lack bargaining power relative to federations and governing bodies.

The famous *Pechstein* litigation in Germany raised profound concerns regarding structural imbalance within sports arbitration systems. Claudia Pechstein argued that elite athletes lack genuine freedom to negotiate arbitration clauses imposed by sporting authorities. German courts recognised aspects of this structural inequality.

Similarly, CAS jurisprudence increasingly examines proportionality, fairness, procedural integrity, and the protection of individual rights against institutional overreach.

South African courts should study these developments more carefully.

Sport is not an ordinary contractual environment. Participation in sport often implicates livelihoods, identity, dignity, democratic rights, and social belonging. The law must account for these realities.

The Psychological Violence of Institutional Exclusion

The damage caused by abusive governance extends beyond legal injury.

Psychological literature demonstrates that institutional exclusion causes profound emotional harm. Organisational psychologists have long recognised that arbitrary exclusion from participatory systems produces humiliation, anxiety, helplessness, social alienation, and despair.

After experiencing torture at the hands of the apartheid security apparatus, I found myself searching for a framework capable of explaining the lingering effects of such experiences on the human spirit. In that search, I encountered Johan Galtung's concept of "structural violence", which I found particularly illuminating. Galtung argued that violence is not limited to physical injury or direct acts of oppression.

Systems themselves become violent when they systematically deny people the ability to realise their human potential. I examined the effects of apartheid in this context.

These lessons are eerily applicable to the state of football dispute resolution in South Africa.

A football official unlawfully suspended for years without meaningful recourse experiences precisely this form of structural violence.



The injury is cumulative:

- reputational destruction;
- financial hardship;

- social isolation;
- emotional exhaustion;
- political marginalisation; and
- loss of dignity.

Courts rarely acknowledge these human dimensions.

The Crisis of Judicial Formalism

Perhaps the most troubling feature of many sports cases is the triumph of procedural formalism over substantive justice.

Applications involving blatant constitutional violations are sometimes dismissed because:

- documents were imperfectly filed;
- litigants lacked technical precision;
- urgency was narrowly interpreted;
- internal remedies were deemed incomplete; or
- procedural rules were prioritised above constitutional harms.

This approach contradicts the constitutional injunction that courts must promote the "interests of justice".

Section 173 of the Constitution grants superior courts inherent power to regulate their own processes in the interests of justice. This power should be used more courageously in sports disputes involving vulnerable litigants.

Courts should develop:

- simplified procedures for sports disputes;
- expedited hearings before elections;
- reduced formalism in urgent democratic disputes;
- cost-sensitive approaches for indigent litigants;
- specialised sports adjudication mechanisms; and
- heightened scrutiny where internal remedies lack independence.

The Need for a Specialised Sports Tribunal

South Africa urgently requires a properly constituted independent Sports Dispute Resolution Tribunal.

Such a tribunal should:

- operate independently of sporting federations;
- include legally trained adjudicators;
- include sports governance experts;

- provide affordable access;
- permit simplified procedures;
- prioritise urgent electoral disputes;
- ensure constitutional compliance; and
- remain subject to judicial oversight.

The current system is structurally compromised because internal remedies are too often controlled by those with vested political interests. Justice cannot flourish where adjudicators are institutionally dependent upon the same power structures they are expected to review.

For example, one Senior Counsel who provided an adverse opinion on the eligibility of a candidate for election in 2009 was subsequently excluded from SAFA's Arbitration Panel after the candidate's slate won that election. He later complained to a colleague and was reinstated, becoming a favoured panellist when he "played the game" according to the rules of the incumbent President.

For six years, SAFA did not formally appoint an arbitration panel through its congress. During that period, panellists were appointed based on how their decisions favoured the biases of the association's leadership. The notion of independence lost its meaning. SAFA only formally appointed a panel of arbitrators in April 2024. Yet, the SAFA Arbitration Panel operates under principles that are not in accordance with the Arbitration Act 42 of 1965 and FIFA Circular 1010, which sets the standard for the constitution of arbitration panels in all FIFA Member Associations.

Parliament, the Judiciary, and Constitutional Responsibility

This crisis demands institutional leadership. If not already done, the **Chief Justice should consider**:

- judicial education programmes on sports governance;
- constitutional dimensions of sports disputes;
- asymmetrical power analysis; and
- access-to-justice considerations in voluntary associations.

Parliament should investigate:

- governance failures in sport;
- accessibility of dispute resolution systems;
- abuse of suspensions;
- electoral manipulation; and
- the affordability of arbitration mechanisms.

The **Department of Sport, Arts and Culture** should examine whether sporting federations receiving public legitimacy and support are complying with constitutional governance principles.

The constitutional imperative for greater judicial sensitivity in sports disputes is not an invitation to judicial overreach. It is, rather, a call for the judiciary to fulfil its transformative constitutional

mandate. South Africa's constitutional order was deliberately constructed to move beyond a narrow, formal conception of justice towards a restorative vision rooted in dignity, accountability, participation, and reconciliation.

The Constitutional Court has repeatedly affirmed that the Constitution is a transformative instrument designed not merely to regulate power but to reshape relationships within society so that historical patterns of exclusion, domination, and inequality may be overcome. **In this sense, a more interventionist approach to blatant governance abuses within sport would not represent judicial activism in any pejorative sense. It would represent the faithful execution of the constitutional project itself.**

Restorative justice seeks not merely to punish wrongdoing but to restore trust, legitimacy, and social cohesion within institutions.

Few institutions touch the lives of ordinary South Africans as deeply as football. Tens of millions participate in football structures as players, coaches, referees, volunteers, administrators, parents, and supporters. When governance systems within such a significant social institution become associated with impunity, arbitrary power, and the suppression of democratic participation, the damage extends far beyond the boundaries of sport.

Conversely, when courts and legislators act decisively to protect constitutional governance, procedural fairness, and democratic accountability within football, they send a powerful message throughout society that no institution, regardless of its prominence or political influence, stands above the rule of law.

Such intervention has the potential to restore confidence not only in football and sport governance generally but also in constitutional governance itself.

The deterrent effect of principled judicial and legislative action should not be underestimated. A clear jurisprudence that condemns unlawful suspensions, manipulated elections, inaccessible dispute resolution mechanisms, and the abuse of disciplinary processes would reshape behaviour throughout South African sport.

Administrators would understand that constitutional compliance is not optional. Athletes and officials would regain confidence that their rights can be vindicated. Communities would see practical evidence that democratic participation matters.

In a society still engaged in the unfinished work of nation-building, constitutional transformation, and social cohesion, the defence of justice within football may appear to be a modest undertaking. In reality, it represents an opportunity to demonstrate that the values of accountability, equality, dignity, and participation are not abstract constitutional ideals, but living principles capable of governing even the country's most powerful sporting institutions.

Toward a Jurisprudence of Constitutional Compassion

Ultimately, what is required is not judicial activism, but judicial sensitivity. The Constitution demands more than technical legality. It demands transformative justice rooted in human dignity, equality, accountability, and participation.

Courts must begin recognising that procedural neutrality can perpetuate substantive injustice when massive inequalities of power exist between litigants.

A poor football administrator challenging institutional abuse is not merely another litigant. Often, they are confronting entrenched systems of patronage, political intimidation, financial exclusion, and institutional impunity.

Where constitutional rights are plainly threatened, courts should not hide behind procedural formalism. The law should not become a sanctuary for power.



Justice Must Be Reachable

The measure of a constitutional democracy is not how effectively justice serves the powerful, but whether justice is genuinely reachable for the vulnerable.

In South African football, countless individuals experience governance systems that are arbitrary, exclusionary, and abusive. Many possess legitimate grievances but lack the resources to navigate the legal labyrinth required to vindicate their rights.

When courts fail to account for this reality, they unintentionally reinforce injustice.

The Constitution did not promise a society where rights belong only to those who can afford lawyers, filing fees, arbitration deposits, travel expenses, and procedural sophistication. It promised something greater. It promised dignity. It promised participation. It promised equality. And above all, it promised justice. That promise remains unfulfilled for many participants in South African sport.

Until the judiciary develops a deeper constitutional sensitivity toward inadequate resources, institutional asymmetry, and the realities of sports governance abuse, justice in South African football will remain formally available yet practically inaccessible — a right existing beautifully on paper while disappearing in lived experience.

Illustrative Examples of Structural Abuse and Institutional Impunity in South African Football

The concerns raised in this article are not theoretical abstractions. They arise from repeated patterns of governance abuse that have developed over many years within South African football structures. These examples are important because they demonstrate how institutional power, when left unchecked by effective judicial oversight, can gradually produce a climate of fear, intimidation, and democratic paralysis throughout sporting structures.

One of the defining features of this governance crisis has been the systematic neutralisation of political opposition within football structures, particularly in the period preceding elections.

In 2022, several senior officials who sought to hold the SAFA President accountable for governance failures and what they viewed as the unlawful concentration of executive power were removed from positions of influence. Among these officials were Gay Mokoena, Ria Ledwaba, and Willie Mooka. Their opposition arose partly from concerns that the President had increasingly operated as an "Executive President" in a manner inconsistent with the recommendations of the Pickard Commission Report of 1997 — a report that historically sought to prevent precisely such centralisation of authority within football governance.

The significance of these removals extends beyond the individuals involved. They reinforced a growing perception within football structures that dissent would not be tolerated and that accountability mechanisms within the association had become politically dangerous to invoke.

A former SAFA Chief Executive Officer has acknowledged that he and other NEC members were deployed to oversee regional elections in order to secure outcomes favourable to the incumbent leadership. Such conduct strikes at the heart of democratic governance within football structures because elections are the constitutional mechanism through which legitimacy is maintained.

In December 2021, all Local Football Association elections in one region were nullified on the stated basis that there were alleged irregularities in the electoral process. Yet it was subsequently proven that the true reason for the nullification was that the affected LFAs had failed to support the SAFA leadership's preferred candidate for regional President. Administrative powers intended to safeguard constitutional compliance were instead weaponised to predetermine electoral outcomes. This practice has continued into the 2026 SAFA electoral cycle with carbon copy replays occurring in several Regions, engineered by members of the SAFA Membership Affairs Committee, a body with no statutory powers to interfere in Regional elections but have done so with gay abandon.

Similarly troubling allegations emerged from the Buffalo City Region in 2022, where several LFAs were declared "not in good standing" on the morning of an elective congress despite the absence of any formally adopted criteria defining what constituted "good standing" and a declaration just one week before that they were indeed in good standing. Such actions undermine one of the most basic requirements of constitutional governance: legal certainty. Rules cannot legitimately govern conduct where they are undefined, selectively enforced, or retrospectively invented to produce desired political outcomes.

The same disputes also revealed deep structural conflicts of interest within football electoral administration. A SAFA Chief Executive Officer acted as Electoral Officer despite simultaneously serving as Secretary of the Electoral Committee. Such dual roles undermine both the appearance and reality of institutional independence.

Comparable allegations arose in the Thabo Mofutsanyana Region, where Local Football Associations were informed verbally that Regional Executive Committee members would be permitted to vote by decree of the CEO at the time despite the regional constitution prohibiting such participation. The practical effect was to dilute the voting power of the LFAs themselves, who constituted the actual membership base of the region.

These incidents reveal a broader constitutional problem: the manipulation of procedural rules to manufacture electoral outcomes favourable to incumbents.

Throughout 2025, a series of bizarre incidents surfaced in the Western Cape wherein the SAFA Provincial Structure, an internal administrative unit of the national association, unilaterally excluded a raft of teams from a league without just cause and prevented Santos FC from participating in the Nedbank Cup competition. Despite arbitration rulings ordering the reinstatement of these teams, the Chairperson and Provincial Executive Officer refused to implement these orders, leaving 22 women's league clubs in the cold for an entire season.

The use of suspensions as political weapons has become another deeply troubling feature of football governance disputes.

In 2026, four NEC members who called upon the SAFA President to step aside while defending criminal charges relating to alleged fraud against SAFA were suspended without first being afforded hearings. Thereafter, despite having been informed that they would face disciplinary proceedings before a disciplinary committee, a motion for their expulsion was introduced directly before Congress without proper notice or opportunity to be heard.

Such conduct raises profound constitutional concerns regarding procedural fairness, natural justice, and democratic participation. The right to be heard before adverse action is taken is not a technical procedural luxury. It is a foundational principle of constitutional governance.

The dangers of institutional impunity become particularly severe when internal remedies themselves become inaccessible.

Since 2022, numerous disputes involving perceived political opponents of the SAFA President have been denied access to arbitration processes. In several instances, declarations of disputes were never referred by the Chief Executive Officer to the arbitration structures authorised to determine admissibility. The result was that access to justice became administratively blocked before any independent adjudicative body could consider the merits of the disputes.

The situation in the Vhembe Region in Limpopo Province in 2022 vividly illustrates the problem. Regional officials sought to postpone their elective congress for two weeks beyond a deadline imposed by the national office in order to comply with their own regional statutes. SAFA

responded by directing certain members of the Regional Executive Committee to convene a separate congress to elect alternative leadership structures.

When the displaced leadership sought arbitration, SAFA accepted the arbitration fee but failed to process the arbitration itself, while simultaneously refusing to refund the fee paid by the applicants. Such conduct raises troubling questions regarding the constitutional legitimacy of dispute resolution mechanisms that can effectively be controlled administratively by one party to the dispute.

The consequences of these governance failures are not merely political; they are profoundly human.

In the Harry Gwala Region of KwaZulu-Natal, the incumbent regional president was removed through irregular processes and subsequently denied participation in the 2022 Constitutional Congress. His dispute remained unresolved until his death, while the association continued recognising the leadership structure imposed in his place.

The emotional and psychological consequences of prolonged institutional exclusion are often ignored in legal discourse. Yet the destruction of reputation, dignity, social standing, and democratic participation within one's community can have devastating consequences for individuals whose lives are deeply intertwined with football structures.

The abuse of disciplinary mechanisms to punish whistleblowing presents another profoundly troubling development.

NEC member Willie Mooka, who opened a criminal complaint that contributed to the charges currently faced by the SAFA President, was subsequently subjected to disciplinary proceedings before what has been described as a makeshift disciplinary committee chaired by a Senior Counsel who was not formally a member of SAFA's disciplinary structures.

Particularly concerning was the finding that his conduct warranted sanction because he had reported the matter to the police. Such reasoning is fundamentally inconsistent with section 34 of the Constitution as well as section 18 of the Prevention and Combating of Corrupt Activities Act 12 of 2004, which seeks to protect the reporting of corruption and unlawful conduct.

The cumulative effect of these patterns has been the progressive centralisation of power within the office of the SAFA President.

Constitutional amendments have increasingly concentrated authority within the presidency, while weakening institutional safeguards intended to ensure accountability and collective governance. Particularly striking was a constitutional amendment adopted in May 2026 granting the President explicit authority to sign legal documents on behalf of the association. This amendment effectively acknowledged that the President lacked such authority under the previous constitutional framework when he signed the contract forming part of the criminal charges currently before the courts.

The amendment also expanded the President's supervisory authority over the Chief Executive Officer, thereby deepening concerns regarding the erosion of institutional checks and balances.

These developments reveal a broader governance crisis extending beyond football itself.

The failure of external oversight institutions to intervene meaningfully has contributed to perceptions of official tolerance toward governance abuse. Particularly concerning to many observers was the public endorsement of SAFA's leadership by the Minister of Sport, Arts and Culture in March 2026 despite widespread public allegations of governance failures, institutional dysfunction, and constitutional irregularities within the association.

When public institutions responsible for oversight appear unwilling to confront governance failures, the message communicated throughout football structures is unmistakable: power will protect itself.

It is within this broader climate of institutional fear, democratic erosion, and procedural exclusion that the judiciary's role becomes critically important. Courts are often the final constitutional safeguard available to vulnerable participants confronting entrenched institutional power. Where courts fail to appreciate the asymmetrical realities of sports governance disputes, constitutional violations become normalised and impunity flourishes.

The danger is not merely the erosion of football governance. The deeper danger is the gradual normalisation of authoritarian administrative culture within democratic institutions themselves.

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