

## CLUB LICENCING IN AFRICAN FOOTBALL – ARE WE THERE YET?

by Farai Razano\* and Felix Majani\*\*

**SUMMARY:** 1. Introduction – 2. Overview of the FIFA Club Licencing Regulations – 3. CAF and Club Licencing Regulations – 4. Implementation of Club Licencing by CAF’s member associations – 5. Conclusion and the way forward for African football club licencing

### 1 Introduction

During September 2013 the Confederation of African Football (“CAF”) issued an ultimatum to its Member Associations (MAs) for their non-compliance with and slack implementation of the CAF Club Licencing Regulations. This followed a CAF congress where the committee tasked with the monitoring and implementation of the CAF Club Licencing Regulations resolved that the state of the implementation of and compliance with the CAF Club Licencing Regulations was concerning.<sup>1</sup> CAF then imposed a December 31 2013 deadline for MAs to ensure that they complied with the CAF Club Licencing Regulations. The MAs were ordered to – at the very least – establish national club licencing regulations and the decision making bodies required in terms of the CAF Club Licencing Regulations. MAs that fail to comply with the said deadline risk the exclusion of their clubs from CAF continental competitions. The ultimatum sent massive tremors in many countries across the continent. Most of CAF’s MAs had done little – at that point – to ensure that the CAF Club Licencing Regulations are implemented and fully complied with by clubs within their jurisdictions. It is therefore no surprise that there was a rush by MAs to implement the CAF Club Licencing Regulations.<sup>2</sup> Newspapers in various countries<sup>3</sup> reported that various clubs in these countries particularly their premier leagues’ champions face the possibility of not participating the CAF Orange Champions League due to non-compliance with the CAF Club Licencing Regulations<sup>4</sup>.

The CAF Club Licencing Regulations were established in 2012<sup>5</sup> in compliance with the obligation imposed on confederations by the *Fédération Internationale de Football Association* (FIFA) Club Licencing Regulations. The process of the implementation the FIFA Club Licencing Regulations was kick-started by the CAF Executive Committee around March 2011. CAF set a timeframe for the adoption of CAF Club Licencing Regulations, the adoption of a clause in the CAF Statutes for the implementation of the CAF Club Licencing Regulations by December 2011. Further deadlines were set for MAs to establish their own club licencing regulations by December 2011 and establish decision making bodies by May 2012. All these ambitious targets and the deadline imposed by FIFA were not met. It is worrisome that CAF took so long to

---

\* Senior Associate at ENSafrica (South Africa); Admitted Attorney of the High Court of South Africa; LLB, LLM – University of KwaZulu-Natal (South Africa), frazano@ensafrica.com

\*\* Attorney-at-law, Nairobi, Kenya. International Sports Law and Arbitration Consultant at Coelho Ribeiro e Associados law firm, LLM in International Sports Law at the ISDE and ad hoc clerk at the Court of Arbitration for Sport.

<sup>1</sup> See for example BNL Times - ‘Caf gets tough on club licencing... set December as deadline’ <http://timesmediamw.com/caf-gets-tough-on-club-licencing-sets-december-as-deadline/> (accessed 19 December 2013); see also Modern Ghana - ‘Caf issues club licencing system ultimatum’ <http://www.modernghana.com/sports/491805/2/caf-issues-club-licencing-system-ultimatum.html> (accessed 19 December 2013).

<sup>2</sup> For instance Nigeria there were reports that GLO Premier League would not commence until clubs had complied with club licencing regulations : see This Day Live – ‘Club Licencing to Determine Kick-off Date for New Season’ <http://www.thisdaylive.com/articles/club-licencing-to-determine-kick-off-date-for-new-season/164970/> (accessed 19 December 2013). Similarly, in the Namibia, the Namibian Football Association moved swiftly to establish club licencing regulations that have, in some circles, been regarded as ambitious very ambitious: <http://allafrica.com/stories/201311281322.html> (accessed 19 December 2013).

<sup>3</sup> For instance Zimbabwe, Nigeria, Liberia, Ghana and many others.

<sup>4</sup> For an in-depth discussion of the state of compliance with the CAF Club Licencing Regulations and the impact of the CAF ultimatum on Nigerian football see KC Omuojine “Understanding club licencing regulation and its impact on Nigerian Football” [https://www.academia.edu/5105595/Understanding\\_FIFA\\_Club\\_Licencing\\_Regulations\\_and\\_its\\_Impact\\_on\\_Nigerian\\_Football](https://www.academia.edu/5105595/Understanding_FIFA_Club_Licencing_Regulations_and_its_Impact_on_Nigerian_Football) (accessed 7 January 2014).

<sup>5</sup> [http://www.cafonline.com/competition/\\_./news/9860-caf-executive-committee-decision-on-club-licencing.html](http://www.cafonline.com/competition/_./news/9860-caf-executive-committee-decision-on-club-licencing.html) (accessed - 20 December 2013).

implement the guiding principles set out in the FIFA Club Licencing Regulations. In view of well recorded problems perennially encountered by CAF, one would have expected CAF to have been at the forefront of implementing the general guidelines or the minimum requirements set out in the FIFA Club Licencing Regulations. For instance, there are many horrendous stories that are reported frequently in the media relating to CAF tournaments, including repeated stories about clubs having poor resources or resorting to 'dirty tricks' such as using horrible pitches or in-appropriate accommodation and training facilities to frustrate their opponents during their home matches. This coupled with the reported poor management of clubs and MAs across Africa present a good breeding ground for corruption, match fixing, legal betting and gambling and exploitation of footballers by unscrupulous individuals. These various challenges should therefore have been motivation for CAF to move swiftly and implement the CAF Club Licencing Regulations within the 2009/10 season deadline set by FIFA. The swift implementation of the minimum standards set in the FIFA Club Licencing Regulations would have been a very good opportunity to harmonise rules and safeguard the credibility and integrity of football in Africa.

This paper looks at the state of the implementation of the CAF Club Licencing Regulations. It commences by giving a brief overview of the FIFA Club Licencing Regulations – the framework regulations that all FIFA members are required to establish. The FIFA Club Licencing Regulations are not discussed in detail as they are almost on all fours with the CAF Club Licencing Regulations that will be discussed in much greater detail in this paper. The papers then looks at the framework of the CAF Club Licencing Regulations, assesses the implementation of the CAF Club Licencing regulations, compliance by MAs and football clubs falling under the jurisdiction of the various CAF MAs. It concludes by identifying challenges faced by CAF, MAs and clubs and suggests ways in which the implementation of the FIFA Club Licencing Regulations can be improved in Africa through the CAF Club Licencing Regulations.

## 2 Overview of the FIFA Club Licencing Regulations

Football around the world has – like any other sport – had its fair share of successes and controversies both on and off the field. Controversies seem to be making up the larger share of off the field challenges faced by football. These challenges include corruption, poor administration, match fixing, illegal gambling and betting and the list goes on. As a result, FIFA has constantly been looking at innovative ways to strengthen regulations governing the sport – both on and off the field. Apart from attempts to deal with challenges presented by the exponential growth of football as a sport and business, FIFA and many of its affiliates have also been focusing on how to better exploit the huge commercial opportunities that have developed in tandem with the success and commercialisation of football. In order to fully utilise the opportunities available in football, and curb the potential risks facing football - FIFA has put in place measures aimed at creating uniformity and preserving the integrity of football. The FIFA Club Licencing Regulations are a good example of these measures. They are aimed at preserving the integrity of football and creating uniformity across the football spectrum. The FIFA Club Licencing Regulations call upon its affiliates – confederations – to adopt these regulations and establish club licencing systems.

The FIFA Club Licencing Regulations came into force on 1 January 2008. They were accepted by the 57<sup>th</sup> Congress of FIFA and Zurich in May 2007 and were approved by the Executive Committee of FIFA in the same year on 29 October. The FIFA Club Licencing Regulations are meant to be “a basic working document for the club licencing system through the different members of the football family and to promote common principles in the world of football such as sporting values, transparency in the finances, ownership and control of clubs and the credibility and integrity of club competitions”<sup>6</sup>. Implicit in the above statement is that the growth of football has also brought along threats to the integrity of the game, credibility of the game as well as other concerns relating to finances and ownership of clubs. It is with these problems in mind that FIFA deemed it necessary to regulate the manner in which clubs are accredited to participate in FIFA competitions.

The aims and purposes of the FIFA Club Licencing Regulations are clearly articulated in Article 1 of the FIFA Club Licencing Regulations. As a basic document, the FIFA Club Licencing Regulations comprise the minimum requirements and guidelines that have to be developed by various confederations and MAs in

---

<sup>6</sup> FIFA circular number 1128 dated 28 December 2007.

order to create uniformity in football. The FIFA Club Licencing Regulations were established with the following objectives:<sup>7</sup>

- (i) to safeguard the credibility and integrity of club competitions;
- (ii) to improve the level of professionalism within the football family;
- (ii) to promote sporting values in accordance with principles of fair play as well as safe and secure match environments;
- (iii) to promote transparency in the finances of clubs;
- (iv) to promote transparency in the ownership of clubs and
- (v) to promote transparency in the control of clubs.

The FIFA Club Licencing Regulations speak to the authorities or regulators and clubs that will seek licences or accreditation. They are divided into two main sections. The first section deals with the confederations and MAs - the licensor. The section explains the tasks for the confederations and MAs, defines the licence applicant and the licencing bodies as well as the core processes to be applied in dealing with applications. The second section on the other hand is directed at clubs that are members of the MAs and therefore affiliating confederations and FIFA. The FIFA Club Licencing Regulations distinguish between licence applicants (clubs applying for licences) and licensees (clubs that have been granted licences). For the purposes of this paper – licence applicants and licensees will be collectively referred to as clubs. The second section creates five categories of minimum criteria that are elaborated in five separate chapters. These are sporting criteria; infrastructure criteria; personnel and administrative criteria; legal criteria and financial criteria. These criteria's are further divided into three different grades namely, A, B and C. Categories A and B are mandatory and category C is deemed 'best practice'. The criteria and categories will not be discussed in details here. They will be discussed in more detail below when we look at the CAF Club Licencing Regulations as they are on all fours with the FIFA Club Licencing Regulations. The FIFA Club Licencing Regulations serve as a guiding document and confederations and MAs are required to transform the FIFA Club Licencing Regulations into their regulations stating minimum criteria to be met by clubs. Confederations were required to establish club licencing systems in compliance with the FIFA Club Licencing Regulations by the 2009 / 2010 season. Various confederations have established Club Licencing Regulations in compliance with the duties imposed on them by the FIFA Club Licencing Regulations.

### 3 *CAF and Club Licencing Regulations*

Article 60 of the CAF Statutes empowers the Executive Committee of CAF to define a club licencing system that deals with minimum criteria to be met by clubs to be eligible to participate in CAF tournaments; club licencing procedures and the minimum requirements to be applied by the licensors. The CAF Club Licencing Regulations are a mirror version of the FIFA Club Licencing Regulations with the exception of a few minor modifications. The aims and purposes of the CAF Club Licencing Regulations are similar to the aims and purposes of the FIFA Club Licencing Regulations. Like the FIFA Club Licencing Regulations, the CAF Club Licencing Regulations are also divided into 2 sections dealing with the licensor (MAs responsible for implementing and monitoring the issuing and enforcement of licences) and the clubs (licence applicants and licensees). The objectives of the CAF Club Licencing Regulations, as is the case with the FIFA Club Licencing Regulations, are to promote and improve the quality and the level of football in Africa; ensure that clubs have appropriate infrastructure, knowledge and application in respect of management and organisation; adapt and improve the clubs' sporting infrastructure; improve economical and financial capacity of clubs through proper corporate governance and control; and ensure and guarantee the continuity of international competitions of clubs; and allow the parallel development and comparison amongst clubs by ensuring compliance with financial, sporting, legal, administrative and infrastructure criteria.

Like the FIFA Club Licencing Regulations, the five criteria are further divided into three separate categories i.e. A, B and C. Category A and B are compulsory or mandatory. Every club must meet the requirements of the A and B requirements before it can be granted a licence. Failure to comply with the conditions of the licence will result in the licence being withdrawn or the club being sanctioned. The C category on the other hand is simply best practice standards and clubs are encouraged to implement the recommendations made pursuant to category C. Non-compliance with the recommendations will not lead to the refusal of the licence, withdrawal or imposition of the sanction.

---

<sup>7</sup> Article 1.1.

The CAF MAs are mandated with the implementation and enforcement of club licencing regulations. They are required to establish two separate bodies i.e. the first instance body and the appeals body. The first instance body is responsible for deciding whether or not a licence should be granted to a club. The appeals body on the other hand is responsible for dealing with written appeals and making final and binding decisions on whether or not a licence should be granted. Appeals may be lodged by clubs or by an MA where such MA is not satisfied with the decision of the first instance body. These two bodies i.e. first instance body and appeal body are required to be fully independent and have certain minimum procedural standards<sup>8</sup>.

Only legal entities are eligible to apply for a licence. The legal entities bear the full responsibility for the football team participating in the CAF interclub tournaments. Licences can be granted to any club regardless of the club's status (professional, semi-professional or amateur). Article 5.2 of the CAF Club Licencing regulations imposes various obligations on the clubs. In particular the clubs are required to ensure that all players registered with the MA or its affiliated league, have a written employment contract (if they are professional players); that the club is fully responsible for the football team composed of registered players participating in national and international competitions; that the MA is provided with all information and documents relevant and necessary to proving that the licencing obligations have been fulfilled; that any compensation to players or payments in terms of legal obligations and revenues from gate receipts are properly accounted for in their books of accounting and that the MA is provided with information on the five criteria set out in the regulations<sup>9</sup>.

Over and above the mandatory provisions set out in the CAF Club Licencing Regulations – in particular categories A and B – recommendations may be made from time to time for adoption and implementation by MAs and their affiliates in their respective leagues. These additional recommendations are not mandatory. They are regarded as good practice provisions. They mainly relate to clubs being legally based in the territory of the MA and play their home matches only in that territory; clubs using the name and brands of the club and not changing the name of the club for advertising or promotional purposes. Clubs are encouraged not to have clauses in their contracts with television sponsors or other commercial partners that may affect the clubs' autonomy or affect its management i.e. the so called third party influence.

Licences issued in terms of the club licencing regulations may be valid for one or more seasons. However, the licence will expire without the need for prior notice at the end of the last season for which it was issued. A licence may be withdrawn by the MA if the club becomes insolvent and enters into liquidation during the season as determined by the relevant national laws of the country within which the MA operates or if the club breaches any of the conditions of the licence and violates its obligations under the national club licencing regulations. In order to cater for extra-ordinary circumstances, the CAF Club Licencing Regulations make provision for extra-ordinary licence applications. Typically an extra-ordinary licence application may be made in the case of a club that would not normally require a licence to compete in a national competition but has now qualified for a CAF tournament.

### *3.1 The five criteria and minimum requirements*

In order to fully understand and evaluate the impact of the CAF Club Licencing Regulations on African football and compliance by MAs, it is important to give an outline of the five criteria in detail. The five criteria are sporting criteria; infrastructure criteria; personnel and administrative criteria; legal criteria and financial criteria.

#### *3.1.1 Sporting Criteria*

The sporting criteria are mainly aimed at ensuring that the clubs invest in proper youth development programs; place a significant value in young players' training and contribute to their education; promote medical care for the youth players and encourage the practice of fair play on and off the pitch. Clubs are enjoined to have their youth development programs approved by their respective MAs. Each youth development program must comply with certain minimum requirements<sup>10</sup> and include the philosophy of the programme, minimum qualifications for personnel to be recruited for the youth development programme, set

<sup>8</sup> See for instance Article 4.3 of the CAF Club Licencing regulations which deals with the decision making procedure.

<sup>9</sup> In the five criteria are sporting; infrastructure; personnel and administrative; legal and financial.

<sup>10</sup> These are well set out in Article 8.1.

out infrastructure available for the youth training programme, outline financial resources for the youth development programme, set out football education programmes for different age groups as well as education programmes on the laws of the game and set out medical support plans for young players. Each club is required to have at least one good team affiliated to it within the ages 10 – 14 and 15 – 21.

Clearly the sporting criteria are aimed at fostering a grassroots policy intended at the early development of footballers and proper transition from youth development to senior teams. The importance of the sporting criteria cannot be overstated. This is one area that Africa needs to pay a lot of attention to as there is a lot of undiscovered and thus untapped talent across the continent. Without proper youth development training programs this talent will simply go to waste.

### 3.1.2 *Infrastructure criteria*

The infrastructure criteria focus mainly on long term investments by clubs. Clubs are required to have approved stadia available for playing inter-clubs competitions matches that provide comfortable spaces for spectators, media representatives and the clubs. The clubs are also required to have suitable training facilities to help them improve on their technical skills. Again, the importance of these criteria cannot be overstated. There are always frequent reports about stadia and facilities that are very poor that are used by clubs across the continent in some of the continent's prestigious tournaments. They create a serious challenge particularly if the opponents involved in those tournaments have a completely different set up where one has proper facilities and the other does not have and are normally regarded as sabotaging techniques by the home team. In addition to promoting fair competition, it is also an issue of safety and security of the spectators and the clubs as well as other stake holders. It is therefore important that compliance with these be encouraged to ensure that football matches are a worthwhile experience for all stake holders.

### 3.1.3 *Personnel and Administrative criteria*

The objectives of the personnel and administrative criteria are to ensure that clubs are managed professionally, clubs have well educated, qualified and skilled specialists with a certain know how and experience and that players of the clubs are trained but qualified personal i.e. coaches and the necessary medical staff. Again, the importance of these criteria cannot be overstated considering the many challenges, ranging from mal-administration in general to rampant corruption – faced by football in Africa on and off the field. While most football clubs perform well on the field, their performance off the field cannot be said to be the same and leaves a lot to be desired. There are frequent media reports about some clubs being run unprofessionally. Some of the – arguably – most prestigious and most successful clubs in the CAF tournaments are said not to have offices despite having massive budgets and attracting a lot of attention continentally. For example, recently the Chief Executive Officer of the Premier Soccer League in Zimbabwe was reported to have said “we have a team spending offer of US\$400,000.00 a year in running a club that they do not have offices which is misnomer. Investigating those running clubs will also ensure that clubs are not used for money laundering purposes”<sup>11</sup>. Clearly proper administration of clubs is a serious challenge for Africa if there still are professional leagues that have clubs that do not have offices. Apart from being unprofessional, the lack of proper management or governance structures exposes the sport to all sorts of challenges and undermines the integrity and credibility of the sport.

### 3.1.4 *Legal criteria*

The legal criteria like all the other criteria listed in the CAF Club Licencing Regulations also aim at protecting the integrity and credibility of the sport. The main area of focus is to ensure that clubs subject themselves to the legally binding statutes, rules and regulations and decisions of FIFA and CAF and their member associations. The legal criteria also pay particular attention to the issue of ownership and control of clubs. They aim to alleviate the problem of third party influence and multiple ownerships of clubs. Thus, the ownership of, or involvement in, more than one club by a single person or entity and participation of those

---

<sup>11</sup> See Sunday News ‘CAF seeks club licencing’  
[http://www.sundaynews.co.zw/index.php?option=com\\_content&view=article&id=30893:caf-seeks-club-licensing&catid=50:sport&Itemid=142](http://www.sundaynews.co.zw/index.php?option=com_content&view=article&id=30893:caf-seeks-club-licensing&catid=50:sport&Itemid=142) (accessed 22 December 2013).

clubs in the same competition is strictly prohibited. Clubs are required to have clear and transparent ownership structures to avoid the ever-present threat of third party influence in the management of clubs. One simply has to look at the massive match fixing scandal in Zimbabwe (dubbed the Asiagate Scandal) in which clubs were allegedly manipulated by betting syndicates and administrators to pose as the Zimbabwe national team.<sup>12</sup> This could only have been possible as a result of a lack of proper and clear organisational and management structures in these clubs and the national team as well. Decisions were allegedly made by make-shift management structures. In some instances the ‘correct’ administrators professed ignorance of what was going on with these clubs and the illegal tours. Most importantly, even the MA itself – the Zimbabwe Football Association (ZIFA) – did not have a proper administration structure and had too much power vested in certain individuals.

### 3.1.5 *Financial criteria*

The financial criteria are very important insofar as illicit conduct relating to football is concerned. The lack of transparency, proper management structures and professionalism in football management often exposes football clubs and footballers to match fixing, sport fixing and illegal betting and gambling syndicates. It also opens up clubs to money laundering and looting of club resources. Therefore, the CAF Club Licencing Regulations aim to eradicate these by ensuring that the economic and financial capability of clubs is improved, that clubs increase transparency and credibility and that necessary importance is placed on the protection of creditors. Every MA is required to ensure that clubs meet the minimum financial criteria set out in the CAF Club Licencing Regulations. These include the submission of annual statements that have been audited setting out minimum information such the current assets, non-current assets, current liabilities, non-current liabilities, net assets or liabilities and equity of the clubs. In addition, clubs must clearly declare their revenue and expenses and these must be kept in proper accounting records.

## 4 *Implementation of Club Licencing by CAF’s Member Associations (MAs)*

While CAF may argue that a lot has been done to comply with the FIFA Club Licencing Regulations, a lot still needs to be done in respect of African football club licencing. The ultimatum issued by CAF and the panic that followed are clear evidence of this. Football is probably the most popular sport in Africa. But it is not the most advanced in terms of regulation. In some countries the regulation of football is virtually non-existent – while in some it is well managed and meets the world standards imposed by FIFA. This is notwithstanding the fact that Article 60(2) of the CAF Statutes prescribes that MAs shall apply club licencing systems in line with the CAF Club Licencing Regulations and shall incorporate these requirements in their statutes. The CAF Club Licencing Regulations have to some extent been reduced to a paper tiger.. CAF and its MAs are still experiencing problems with regards to some of the basic issues that are addressed by the CAF Club Licencing Regulations.

A lot of MAs (and clubs) in African football are yet to fully comply with the CAF Club Licencing Regulations. These regulations are the basic minimum requirement as set out in the FIFA Club Licencing Regulations. Yet the CAF MAs and clubs are failing to comply with them. It has to be noted that in terms of the FIFA Club Licencing Regulations confederations and MAs are empowered to raise the bar and set more stringent requirements compared to those set out in the FIFA Club Licencing Regulations. CAF has not made use of this opportunity and has stuck to the bare minimum requirements.

The enforcement of the CAF Club Licencing Regulations is also problematic. A lot of MAs did not meet the May 2012 deadline set by CAF. While club licencing and enforcement of licence conditions are a responsibility of MAs, CAF is empowered to implement spot checks on the compliance with the CAF Club Licencing Regulations by MAs.<sup>13</sup> CAF should therefore use this to ensure that it is fully acquainted with the status on the ground if club licencing is to become a reality.

It must also be borne in mind that club licencing is a dual relationship. It is a relationship that entails binding obligations on both the licensors (MAs) and the licensees (clubs). Therefore, MAs must exercise care and caution in fulfilling their duties in terms of the CAF Club Licencing Regulations and any national club licencing regulations. MAs must be diligent and ensure full compliance with the CAF Club Licencing

<sup>12</sup> Ebrahim Commission, 11 October 2012, “Asiagate Report” p. 83.

<sup>13</sup> Article 14.

Regulations and any national club licensing regulations. Before issuing licenses to clubs, MAs should ensure that all the requirements have been met and all the necessary documents have been submitted. MAs that issue licenses in contravention of the CAF Club Licensing Regulations and any applicable national club licensing regulations should be held liable and sanctioned by the CAF. The CAF Club Licensing Regulations are clear on this. Article 14.2 of the CAF Club Licensing Regulations states that "... if CAF realises that a licensor issued a licence in breach of the national licensing regulations, the relevant association shall be sanctioned by CAF disciplinary committee..."

Article 14.2 of the CAF Club Licensing Regulations is in line with the standards applied by other confederations such as the Union of European Football Associations ("UEFA"). The UEFA has, on several occasions, dealt with the issue of non-compliance with club licensing regulations by various association affiliated to it. For instance, the UEFA Control and Disciplinary Body fined the Hungarian Football Federation<sup>14</sup> EUR 100,000, half of which was suspended for a probationary period of 2 years. This Body was of the view that the Hungarian Football Federation had to be liable for failing to undertake due diligence, and for granting Györi a license despite the latter's failure to meet the criteria.

##### 5 Conclusion and the way forward for African football club licensing

The FIFA Club Licencing Regulations and the subsequent club licensing regulations by Confederations and MAs have noble aims. The most notable of these aims is the need to ensure that the credibility, integrity and transparency of football are protected. In addition, they seek to create minimum standards that apply across the footballing world and thereby creating consistency and ensuring the smooth administration of football. The FIFA Club Licencing Regulations have been complied with and implemented successfully by various confederations. The Confederation of African Football – however – still has a long way to go. While CAF established club licencing regulations in 2012, the impact of these in terms of football administration in Africa remains to be seen. Much debate is still around what these are, whether they are necessary for and what good (or harm) they will bring to football. From the initial deadline for the implementation of the FIFA Club Licencing Regulations (2009 / 2010 season), these should not be the debates that those in football should be having at the moment. These issues should have been addressed immediately after the FIFA Club Licencing Regulations came into force. Focus should now be on implementation and a lot more can be done to ensure that the CAF Club Licencing Regulations are fully implemented by the MAs.

That clubs have failed to comply with the CAF Club Licencing Regulations is no secret. The recent ultimatum by CAF is clear testimony of this. The ultimatum seems to have worked in some countries. In Nigeria for instance, the League Management Company ("LMC") rejected applications for registration and participation in the Nigeria Professional Football League ("NPFL") by two clubs due to the clubs' failure to comply with minimum registration requirements.<sup>15</sup> Another concern that arises is CAF's focus on the non-compliance rather than the causes of the non-compliance. One has to appreciate the diverse social, political and economic set up in different countries that the clubs operate from. Some of the regulations may be easily enforceable in politically and economically stable countries. But these may not be enforceable in war torn countries or countries that are undergoing severe economic meltdown.

Perhaps CAF should be rechanneling its energy towards proper education and information of the concerned MAs and clubs to understand the need for the regulations and gradually how to comply. MAs and clubs need to be fully informed and educated about the benefits of compliance and the dangers of noncompliance. The dangers of non-compliance should also be stressed in relation to the consequences for the MAs and clubs concerned *vis a vis* the FIFA Club Licencing Regulations. An important aspect to note is that the FIFA Club Licencing Regulations emphasise that the adoption and establishment of club licensing regulations should be done taking into account national laws. CAF should also look into partnering with various MAs to ensure that the CAF Club Licencing Regulations and the FIFA Club Licencing Regulations are adopted taking into account the various differences in territory and laws.

<sup>14</sup> See CAS 2012/A/2702 Györi ETO v. UEFA.

<sup>15</sup> For a full discussion of the LMC's decision and reasons for barring the two clubs from the completion, see KC Omujine. *The only two privately-owned clubs fail to make the NPFL cut*. <http://sportsissuesonline.com/the-only-two-privately-owned-clubs-fail-to-make-the-npfl-cut/> (accessed 11 March 2014).