

CLEANSING THE GAME: MAPPING AND TACKLING STATE-INDUCED CORRUPTION TRENDS IN AFRICAN FOOTBALL

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1. Introduction

In *Issue 1/2013* of the *African Sports Law and Business Bulletin*, an article by Majani and Osoro provides a descriptive overview of the major setbacks affecting African sports.¹ One of the setbacks identified in the article is “corruption” arising from governmental and political interference in sports on the continent. In addition to generally listing, albeit briefly, some forms and patterns that has been taken by corruption in sports, their article further highlights the benefits of eradicating this disease from sports in Africa. The identification of corruption as a problematic setback in African sports is a welcome initiative. Corruption in African sports has been rampant and corrosive particularly over the last three decades.² It has killed and suppressed African talent, destroyed institutions and impoverished persons who deserve to be rewarded for their sporting exploits whilst simultaneously enriching a huge number of undeserving individuals. Further, the manner in which this politically connected elite has benefitted from African sports means that sports have taken more than it has given Africa.

This article seeks to outline and examine corruption trends that arise owing to state and governmental intervention and involvement in African football. Football is arguably the richest and most popular sport on the continent, and in comparison to other sports, provides employment and income to a substantially higher percentage of the African population. State interest in football is thus no surprise and it is this interest that engenders a desire to be involved in the administration, management, financing and development of football in Africa.

A general study of state-induced corruption in African football discloses three important facets. Firstly, in highlighting the nature of corruption in African football, it is not difficult to note that the nature in which state involvement promotes and enables corruption differs from country to country and from time to time. Thus, the trends identified in this article may be less prominent in one country, but more significant in another. Consequently, some football associations are affected by forms of corruption different from the trends and patterns identifiable in other associations on the continent. There are also some corrupt practises in other African football associations quite different from those mentioned in this article, but arising from governmental involvement in football administration and management. In extrapolating the major trends, this article has resisted the temptation to provide specific examples of state induced corruption in African football. These examples are widespread, and have been well documented in other easily accessible literature on African football.³

Secondly, an analysis of corruption in African football illustrates that this kind of corruption is not conducted through means and methods fundamentally different to corruption in other sports. In a basic sense, the means and methods are essentially similar; they are however slightly tweaked and modified to enable

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¹ See E Majani and N Osoro ‘Sports management and government interference in Africa (2013:1) *African Sports Law and Business Bulletin* 65.

² See for instance T Ross ‘2013: Africa’s dark year in football’ available at <http://www.africa.com/blog/2013-africas-dark-year-in-football/> accessed on 03 January 2014. Newsday (Zimbabwe) ‘Zifa submits Asiagate report to Fifa’ available at <https://www.newsday.co.zw/2012/12/07/zifa-submits-asiagate-report-to-blatter/> accessed on 06 January 2014; ; SportLive ‘Fifa officially opens South African match-fixing probe’ available at <http://www.sportlive.co.za/soccer/sa/2013/11/15/fifa-officially-opens-south-african-match-fixing-probe> accessed on 06 January 2014; BBC News ‘Nigerian FA official banned for taking bribes’ available at <http://www.bbc.com/sport/0/football/25121568> accessed on 06 January 2014.

³ See for instance instances mentioned in *Killing Soccer in Africa: A FAIR Transnational Investigation* (2010).

maximum exploitation of football, and in order to appropriately fall in line with the uniqueness of football as a sport. Thus, as with the game of football, though the players may change, the game remains essentially the same.

Thirdly, and most importantly, the linkages and prevalence of corruption within Africa's major economic activities, private and public, makes it difficult to escape the notion that corruption in African football mirrors the depth and breadth of corruption not only in sports but in African society at large. Thus corruption in African football is just a description of a microcosm. This theoretical assumption underpins the arguments in this article; patterns and trends of corruption in football reflects, in varying degrees, corruption in Africa's industry and commerce, in Africa's social, economic and political systems. Consequently, in exploring corruption in football on the continent, this paper interrogates the integrity of African social institutions, particularly how they are run and administered, and their potential in harnessing, developing and nurturing talent on the continent in the 21st century.

2. *The Definitional Maze*

To start with, the definition of the term 'corruption' is important before its discussion commences. Most people find no difficulty in imagining what kind of behaviour constitutes corruption, despite the absence of a single, universally accepted definition. In relation to sports generally, it is strongly argued that corruption can be defined according to which persons are involved in it. Thus, this article finds it necessary to distinguish corruption by sportspersons, or athletes who contest in competition and tournaments, from corruption by other persons who are not athletes, but who seek to take advantage of sports to make money out of the industry.⁴ Gorse and Chadwick define the former as 'any illegal, immoral or unethical activity that attempts to deliberately distort the result of a sporting contest (or any element of it) for the personal material gain of one or more parties involved in that activity'.⁵ Examples of this kind of corruption could include match fixing and doping by players. Global studies and investigations into corruption by athletes show that in Africa, this kind of corruption is the least problematic, being most prevalent in the developed economies of Europe, North America and Asia.⁶ Since this paper focuses on the behaviour of sports and related public officials and the general governance of sports, the above definition of corruption is of little relevance.

The most problematic kind of corruption in African sports is that driven and conducted by public officials, sports administrators and sports management authorities.⁷ Thus, for the purposes of this paper, the relevant definition of corruption is the more general one concerning behaviour of public officials. *Transparency International*, an international non-profit organisation that deals with global corruption provides a more relevant definition, that views 'corruption' as '... the abuse of entrusted power for private gain'.⁸ Nye, a renowned academic on this subject defined it as '...behavior which deviates from the formal duties of a public role because of private-regarding (personal, close family, private clique) pecuniary or status gains; or violates rules against the exercise of certain types of private-regarding influence.'⁹ Generally therefore, corruption can simply be understood as the abuse or complicity in the abuse of private or public power, office or resources for personal gain. The accrued income, benefit or gain does not enrich the national fiscus, or more often than not, the deserving individuals, organ or institution.

⁴ See W Maennig 'Corruption in international sports and how it may be combated' 08 – 13 (2008).

⁵ S Gorse and S Chadwick 'Conceptualising Corruption in Sport: Implications for Sponsorship Programmes' July/August (2010) *The European Business Review* 40-45.

⁶ S Gorse and S Chadwick 'The prevalence of corruption in international sport: a statistical analysis' *Report prepared for the Remote Gambling Association and their Partners, the European Gaming and Betting Association and The European Sports Security Association*, Fig 3.

⁷ See for instance *Killing Soccer in Africa: A FAIR Transnational Investigation* (2010), emphasizing (page 3) that 'while players have sacrificed their personal fortunes to develop not just soccer but their own communities, and have in some cases bailed out their national teams, the administrators tasked with developing the game focus on personal gain.'

⁸ See the definition at <http://www.transparency.org/whatwedo?gclid=CMfJiLT64bsCFWcUwwod8GMAAA> accessed on 03 January 2014.

⁹ See JS Nye 'Corruption and political development: a cost-benefit analysis' 61:2 (1967) *The American Political Science Review* 417 at 419.

3. *Corruption and Football*

Corruption in football has been accelerated by the general development of the game as a professional discipline, a commercial enterprise¹⁰ and a pure source of entertainment on the continent and beyond. As a consequence of this, national, regional and international regulatory bodies have attempted to keep pace with increasingly complicated and organised corrupt practices by regularly updating, adapting and revising existing rules that seek to stamp corruption from sports. In Africa, the hierarchical regulatory structure often commences with the national football association, followed by the Confederations of African Football (CAF) and then finally *the Fédération Internationale de Football Association* (FIFA). Regrettably, this regulatory system, complemented by national and international criminal justice systems has faced extreme difficulties in attempting to cleanse the game. Corruption in African football is thus a reality, and the need for effective mechanisms to combat it cannot be underestimated.

It should be noted that in the not-so-distant past, football, as with various other sports in most African states, was a purely entertainment activity. Sportspersons and administrators were involved in sports on a part time basis, with rewards and medals being granted instead of regular salary. Sports could not be seriously considered a day job, but an additional activity that augmented, if possible other primary sources of regular income.¹¹ For instance, in years immediately following their independence from colonialism, most African nations did not have a Sports Ministry. These early years were however superseded by the gradual commercialization of football, and its later identification as a solid source of living for administrators, footballers, governments and public officials alike.

The involvement of huge multinational enterprises, national politicians and other international agencies ensured the flow of huge funding into football in Africa and beyond. This has brought to the fore the money spinning capacity of football, giving rise to a host of commercial issues such as intellectual property rights, image rights, television rights, multi-million shirt sponsorship deals, innovative medical methods among others. This income generating capacity of football has been welcomed not only by career sportsmen and administrators desirous of making an honest living, but by corrupt persons within the African state as well.

Further, the fact that football brings together billion dollar sponsors, commercial television, and a billion fans and supporters across the world means that the days of football as a partially rewarding and purely entertainment activity are past. There is now an opportunity to make money out of this sporting activity and all stakeholders, including individual persons, administrators, the state, sponsors and other corporate institutions are determined not to miss out. Unfortunately, this also means the existence of yet another platform for corrupt practices to take root and flourish. With so much money flowing in, the opportunities for individuals and institutions to acquire filthy lucre increase.

4. *Football and the African State*

The ubiquity of the state in every aspect of life is a reality in Africa. The state is often the biggest employer, the biggest provider of essential services and thus possesses the largest influence in the day to day life of the African citizenry. The relationship between African states and their ordinary citizens is thus a close one. A disturbing feature of this relationship is the 'aspiration' of African governments to control and influence not only the direction of public life, but also the nature of private enterprise and private social life. This means that most governmental systems are structured in a way that would enable and ensure the state would be committed to control private enterprise and other issues such as sporting activities. The motivation for this control is neither clear nor completely justified, but a consequence of it is the reluctance of the African state to dissociate itself from major sporting activities within their borders.

¹⁰ For instance, according to Forbes Magazine, Real Madrid Football Club is worth US\$3, 300 billion, whilst Manchester United Football Club is worth 3, 165 billion dollars. See information at <http://www.forbes.com/teams/> accessed on 03 January 2014.

¹¹ In England for instance, an average soccer player's salary in 1961 was 20 pounds per week. In 2013, a top football star such as Wayne Rooney of Manchester United Football Club earns as much as 170 000 pounds a week. See <http://www.sportingintelligence.com/2011/01/20/from-20-to-33868-per-week-a-quick-history-of-english-footballs-top-flight-wages-200101/> and <http://www.dailymail.co.uk/sport/football/article-1229982/Manchester-United-set-offer-Wayne-Rooney-bumper-new-deal-fend-Barcelona.html> accessed on 04 January 2013.

For the past thirty years, the rise in corruption in all forms of sports in Africa has been increasingly attributed to this tight connection between the state and ordinary sports.¹² Football has not been an exception. Across Africa therefore, the administration of football has largely not been based on the professional needs of the game: more often than not, it is not the seasoned, qualified administrators that are placed at the helm of the profession, but persons known for their political clout or connections. There have been few instances though, where seasoned administrators have been placed at the helm of administration and management responsibilities in various associations. Apparently, however, it has always been the case that these persons are gradually co-opted into mainstream politics, and eventually the state through political patronage. Eventually, football administration in various African countries ends up as one of the many platforms not only where national politics is played out but where corruption is practiced at a national scale. Corruption in the state has thus deeply and extensively extended into football with political figures and state officials using this discipline as a conduit for filthy lucre.

One of the ways in which political corruption is extended into sports is in the appointment of sports administrators. More often than not, the appointment system allows the state to have an influence in either the processes of nominations and elections or in the ultimate selection of the winning candidates. A lot of politicking is done during the campaigning process and the whole process resembles to a large degree, national political elections. Eventually, persons with more political support and political resources end up at the helm of football administrations, and on most occasions lack the necessary qualifications, training or experience needed to run sports. These eventual winners are always eager to be part of the corrupt elite open to bribes and other corrupt actions by political figures, state officials, corporate executives and other agencies and criminal networks to the detriment of football in Africa.

Yet another avenue in which corruption is practiced in African football is the funding systems of sports in Africa. Despite generating huge revenues that, if appropriately applied, could go a long way, African football has always struggled to finance itself. Where does all the money go? African clubs always struggle to finance their own budgets, especially if they are involved in continental commitments such as the CAF Champions League. National teams often struggle to raise money to fulfill international fixtures. The solution to this has been to beg for government intervention, through the Ministry responsible for sports. When the funds come, usually from treasury, there is always a condition. Either the Treasury appoints its own person to ensure the money is properly applied, or the relevant Ministry would itself handle the financial aspects on that particular occasion in order to ensure its funds are not embezzled. The fact that begging money from Treasury has become the norm and not the exception seems to 'compel' the governments to handpick their own permanent representatives who they shoulder with specific roles and responsibilities in the main football administration body. Without such persons on board, most governments have been unwilling to disburse funds with the fear that it will be misappropriated. These governmental representatives have not helped the anti-corruption cause in any way; in fact they have provided the conduit by which corruption is conducted by governmental officials through sports. Thus the actual fear of African governments is that disbursing money to football associations without their representatives on board would deny government officials a piece of the cake.

FIFA has been firmly opposed to political interventionism in football. A number of governments have thus experienced the wrath of FIFA when they either dissolved football associations or appointed governmental representatives onto these associations in breach of FIFA rules.¹³ However, such dissolutions or appointments have been carried out clandestinely, albeit seemingly without government intervention. The truth is government officials have found many ways of circumventing FIFA rules on political non-intervention, and FIFA can do nothing much about it.

On other occasions, FIFA's non-political intervention stance has been akin to Russian roulette, consequently, but inadvertently abetting and aiding corruption.¹⁴ The Nigerian case is a stark example: FIFA insisted that the government had to reinstate Nigerian Football Federation officials who had been suspended

¹² D Booth 'Hitting Apartheid for Six: The Politics of the South African Sports Boycott' 38 (2003) *Journal of Contemporary History* 477.

¹³ See BBC News: 'World Cup 2010: Fifa issues ban deadline to Nigeria' available at http://news.bbc.co.uk/sport2/hi/football/world_cup_2010/8780028.stm accessed on 05 January 2013. In this case, FIFA had threatened with expulsion from the football if the government refused to reverse its decision to suspend the national team after a poor World Cup performance in South Africa in 2010.

¹⁴ For a descriptive commentary, see The Guardian 'Free-for-all and corruption in African football shames Fifa' accessed on 06 January 2014.

by the government pending completion of a corruption probe. This meant that the government's hands were tied and officials implicated in multi-million dollar corrupt practises free to continue at the helm of African football administration.

Corruption has consequently become more complex to tackle in Africa, with corrupt individuals always formulating even more sophisticated ways to beat and circumvent the system. For the reason that football authorities and policing systems are targeted against corrupt practises, and often "shoot without missing their mark", corrupt individuals "have learned to fly without perching on a twig".¹⁵

Apart from national teams, state interventions have also been extended to African football clubs. African politicians and political parties are notorious for wanting to align themselves with popular football clubs, and are often found giving hand outs, donations and even finances to these clubs at their time of need. These hand outs are usually meant to buy the supporters of the concerned football club, or to persuade the football club's leadership to nominate the politicians as patrons. The end result is always acrimonious, with the football club heavily indebted and thus indentured to the "patron" and owing millions. Even more lamentable, the patron would end up suing the football club and attaching its important assets for sale, effectively bankrupting the club or driving it into liquidation.

The trends and patterns of corruption identified above may either be conducted clandestinely or in public, and the only hope for confronting them is through effective anti-corruption agencies, or national legal, administrative and judicial systems. To what extent, however, can such institutional responses provide a buffer against corruption in African football?

5. *Corruption and African Institutions*

The presence and effectiveness of legal, administrative and judicial institutions to anticipate and fight criminal and corrupt behaviour is imperative in any nation. The lack of such important institutions aids and abets corruption and eventually destroys the potential of sports as a national source of revenue. However, it is not only the presence of necessary institutions that guards against corrupt practises; such institutional systems should be independent, fully functional and not exist as a mere appendage of the executive arm of the state. The involvement of public officials in the system affects the incidence of corruption, and determines the rate at which the institutional system can deal with corrupt behaviour or achieve successful outcomes.

Corruption flourishes in the absence of a national institutional system established for the purposes of fighting criminal and corrupt behaviour in football and other sports. The absence of such an institution means there lacks necessary personnel, judges, investigators and prosecutors, the judicial infrastructure, and the substantive or procedural penal legislation for the punishment of corrupt behaviour. Whilst most African states boast of functional judicial and security systems, a few war torn states, or those emerging out of conflict might not enjoy the same institutional presence. Thus, for instance, it could be extremely difficult to probe match fixing allegations in Somalia, or South Sudan today owing to political instability, but easier to do so in countries such as South Africa or Ghana that are relatively at peace.

As pointed above, the presence of institutions is merely the first step but does not in itself guarantee corrupt-free sports on the continent. Such institutions should be credible, transparent, effective accountable. This is because corruption in African football has stretched not only to affect available decision making bodies such as independent tribunals, but has also expanded into national judicial, administrative and security systems as well.

The judicial system is one of the readily available dispute resolution systems, and in order to discharge its mandate, has to be complemented by investigating and prosecuting authorities as well as law enforcement agencies. An effective and independent judicial system can go a long way towards curbing corruption and cleansing the sport of the scourge. Unsurprisingly, governmental corruption in African football has eroded the integrity of this institution as the last buffer against corrupt behaviour. State officials may circumvent or defeat the judicial system by adopting sophisticated schemes to cover up involvement and to whitewash their participation in corrupt behavior. Such tactics include methods adopted for the purposes of shielding implicated public officials from criminal responsibility arising from corrupt behaviour. Further,

¹⁵ A proverb from the novel, *Things Fall Apart* by Chinua Achebe: "Eneke the bird was asked why he was always flying on the wing and not perching. He answered: Men have learned to shoot without missing their mark, and I have learned to fly without perching on a twig."

obstructive tactics can be adopted, leading to unjustified and unreasonable delays by prosecuting authorities, and such disruptive behaviour promotes corruption and is intended at subverting justice.

Further, the fact that a state has competent courts does not mean that deserving cases are always brought before the courts, or if brought, always achieve a conviction. Thus, the judiciary may be competent and independent, whereas the investigating and prosecuting authorities are against the prosecution of public officials for political reasons. The commencement of investigations might mean nothing if the prosecuting authority is determined to frustrate and hinder investigative efforts. There should thus be a commitment to justice by all important arms of the judicial system, since competence in one arm may not guarantee a successful outcome. Yet another tactic that shields corrupt officials from investigation is the selective application of the law. Investigating and prosecuting authorities may be eager to investigate and prosecute corrupt practises by ordinary persons not connected to the state but be reticent with respect to officials from within the state departments.

Many other factors can provide initial indications of compromised judicial, administrative and institutional systems in confronting corruption in African football. For instance, in compromised systems, public officials are free to directly or indirectly interfere in investigations or prosecution, or even deliberately obstruct due process when their associates are implicated in corrupt practises. Where the stakes are high, direct political subordination of investigative, prosecutorial or judicial branches exists and the executive wishes win the day.

In summation therefore, the involvement of state and public officials in corruption complicates anti-corruption efforts and challenges crime fighting institutions. State officials can easily corrupt the institutional system in a more dangerous way than ordinary persons. Caution is thus urged as to the extent to which state officials can be involved in African football, particularly in those aspects of the game with the greatest money spinning potential. The state is the most powerful social institution in Africa and unscrupulous officials can apply its widespread resources to commit corrupt practises and circumvent the system. There is no doubt that there is a critical need to minimize the involvement of public officials in African football, and gradually cleanse those areas that public officials have used to siphon resources out of football. In doing this however, chosen strategies should ensure that the beneficial association between the state and African football remains in the interests of this sport. But how, it can be asked, can such a cleansing be carried out?

6. *Cleansing the Game*

It is tempting to suggest that the easiest way to ending an unequal relationship where one party preys on the other, and that enables and promotes corrupt, unethical behaviour is a separation. For African football, a complete, ugly separation would however bring more harm than good. With most states struggling under fragile economies, funding for football will dry up within days in the absence of governmental financial support. Institutions would collapse and football would cease to be regarded as a rewarding profession in most states. Further, state involvement in African football has meant that football does not fall to the mercy of greedy corporates. The state has done a lot of good in establishing ethical regulatory frameworks, policing institutions and funding systems that regulate how corporate institutions and other entities can involve themselves in sports. In another light therefore, the African state appears as a benevolent paternalist. African football administration systems are unsurprisingly shaped by this notion that severing the connection between state and African football would, in all probability, lead to the demise of football.

A separation between the state and football therefore needs to be amiable, to ensure that the State continues to support and fund football. Such a separation should ensure that the parties continue to develop independently and in ways that are mutually beneficial. The question of whether or not football needs the state might be easy to answer in a continent where the state has made, arguably, the greatest contribution in the development of football. The nature of state contribution has unfortunately led many, including African football itself to believe that it cannot stand on its own without state intervention. It would be wrong to make this conclusion about African football, with few states, such as South Africa, leading the way in showing that only minimal state involvement is required. Minimal intervention would enable the full development of soccer, minimize governmental interference, reduce the incidence of corruption and most importantly erase the incorrect perception that the African state has developed and funded African football for the reason of preying onto it.

7. *Conclusion*

Cleansing African football of corruption is bound to be a difficult task in view of its linkages with corruption in other mainstream state economic activities such as industry and commerce. The more corrupt these other systems become, the higher the likelihood that such corruption will permeate other aspects such as sports. Further, the failure to deal with such rampant corruption will mortally implicate sport development institutions and enable corrupt practises to be more sophisticated and corrosive to the detriment of African football. Yet, the stronger the efforts at cleansing these other aspects become, the better are the chances for successfully cleansing football of corruption. Removal of cells of corruption from body tissues will result in better and abler organs and healthier football bodies.

In fragile economies where governmental involvement is imperative, such a cleansing might have to ensure continued involvement of the state in football administration. The degree, nature and shape of this involvement is however debatable. An involvement that is honest, transparent and based on the objectives of football development is welcome. Further, the development of transparent institutions for the effective management and administration of football and for the harnessing, nurturing and developing of football talent will bear fruits for African football in both the medium and long term. It is thus necessary for effective frameworks to be set up for the purposes of delimiting the 'rules of engagement' between the state and football in Africa. Such initiatives will benefit the development of African football and will elevate it to the same level this sporting activity has reached in other continents with highly advanced systems such as Europe.