

REPUBLIC OF KENYA



THE SENATE

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THIRTEENTH PARLIAMENT | SECOND SESSION

STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

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REPORT

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CLERK AT THE TABLE	Mercy Muongeli

REPORT ON THE PETITION BY THE COUNTY FOOTBALL ASSOCIATION CONCERNING THE MISMANAGEMENT OF FOOTBALL IN THE COUNTRY BY FOOTBALL KENYA FEDERATION (FKF)

07/12/23

APPROVED
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Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

CDS
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ABBREVIATIONS AND ACRONYMS

CAF	- Confederation of African Football
CECAFA	- Council for East and Central Africa Football Association
CEO	- Chief Executive Officer
CFA	- County Football Association
CS	- Cabinet Secretary
FIFA	- Fédération Internationale de Football Association
FKF	- Football Kenya Federation
KFF	- Kenya Football Federation
NEC	- National Executive Council
PFM	- Public Finance Management Regulations
SDT	- Sports Dispute Tribunal

PRELIMINARIES

Establishment and Mandate of the Committee

The Senate Standing Committee on Labour & Social Welfare is established pursuant to standing order 228 of the Senate Standing Orders. The Committee is mandated to consider all matters related to - *Manpower and human resources planning, pension, gender, culture, and social welfare; youth, National Youth Service, children's welfare; national heritage, betting, lotteries, sports, public entertainment; public amenities, and recreation.*

The mandate of the Committee spans four (4) ministries namely –

- 1) Ministry of Labour and Social Protection,
- 2) Ministry of Public Service, Performance and Delivery Management,
- 3) Ministry of Gender, Culture, the Arts and Heritage, and
- 4) Ministry of Youth Affairs and Sports.

The Committee also oversees the state Department of Diaspora Affairs under the Ministry of Foreign and Diaspora Affairs, and the Pensions Department under the National Treasury.

Membership of the Committee

The Committee membership is as follows: -

- (1) **Sen. Julius Murgor Recha, MP - Chairperson**
- (2) **Sen. George Mungai Mbugua, MP - Vice Chairperson**
- (3) Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP - Member
- (4) Sen. Mohamed Faki Mwinyihaji, MP - Member
- (5) Sen. Erick Okong'o Mogeni, SC, MP - Member
- (6) Sen. Alexander Munyi Mundigi, MP - Member
- (7) Sen. Crystal Kegehi Asige, MP - Member
- (8) Sen. Miraj Abdullahi Abdulrahman, MP - Member
- (9) Sen. Gloria Orwoba, MP - Member

CHAIRPERSON'S FOREWORD

The the Petition by the County Football Association Concerning the Mismanagement of Football in the Country by Football Kenya Federation (FKF) was presented to the Senate on 20th June 2023 by Senator Faki Mohamed Mwinyihaji, MP, Senator for Mombasa County, on behalf of County Football Association (CAF). Pursuant to Standing Order 238(1), the petition was committed to the Standing Committee on Labour and Social Welfare.

The petition raised concerns on the issues of non-compliance of the Football Kenya Federation (hereinafter referred to as "FKF"), a national sports organization registered in 2018. The non-recognition of county football associations by the FKF, and the failure of the Ministry in charge of Sports to obey or comply with court judgements.

The petitioners prayed that the Senate disbands the current FKF national executive committee and orders the elections of new FKF national executive committee as a matter of urgency. Other prayers included the call for recognition, upholding the rule of law and the overhaul of the PFM (Sports, Arts and Social Development Fund) Regulations, 2018 to cater for sports and arts exclusively.

The Committee met with the petitioners, the Ministry of Youth Affairs, Creative Economy and Sports, and the Football Kenya Federation (FKF).

The Committee observed that-

- (a) FKF failed to meet some of the conditions after its registration under the Sports Acts on a Provisional and Conditional registration as a nation Sports Organization (section 47) certificate no 45;
- (b) Ministry of Youth, Sports and the Arts does not manage football in Kenya. It is the mandate of the Football Kenya Federation (FKF) to govern football, the government only regulates and facilitates sporting activities;
- (c) The Ministry failed to explain to the Committee under what circumstances the Cabinet Secretary decided to reinstate the Football Kenya Federation (FKF) back to office despite the Gazette Notice No. 12374 and high court petition No. E473 of 2021;
- (d) County Football Association (CFA) do not benefit from the Public Finance Management (Sports, Art and Social Development Fund) Regularion 2018 since they are not affiliated to Football Kenya Federation (FKF);
- (e) Football Kenya Federation (FKF) and the county governments do not recognize County Football Associations; and
- (f) Football Kenya Federaration and the Ministry of Sports need to review the FKF constitution of 2017, Sports Act 2013, PFM (Sports, Art and Social Development Fund) Regulation 2018 and other relevant laws.

The Committee also found out that the matter was also active before a court of law- the Sports Dispute Tribunal, where it was received on 17th August, 2023. The Committee at their meeting held on 5th October, 2023, therefore resolved to give both parties a month to iron out their differences and report back to the Committee in a month.

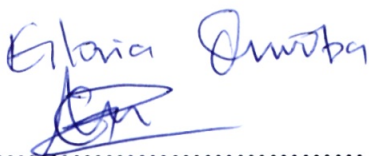
At a meeting held 30th November 2023, the Committee observed that the two parties had not had any meaningful dialogue and directed that the parties await the outcome of the Court process as they had failed to dialogue.

The Committee submits the report as its response to the petitioners pursuant to section 5(3) of the Petition to Parliament Act and Standing Order 232 (2) of the Senate Standing Orders.

The Committee extends its appreciation to parties who volunteered submissions and contributions to the resolution of this matter. I also wish to express my appreciation to my fellow Senators for their contributions on this matter.

The Committee thanks the Office of the Speaker of the Senate and the Clerk of the Senate for the support extended to the committee in the execution of its mandate. The committee wishes to applaud the commitment of the secretariat that led to the production and conclusion of this report.

It is now my pleasant duty pursuant to Standing order 238 (2) to table this report on the petition by County Football Associations regarding mismanagement of Football in the country by the FKF.

for:
SIGNATURE.....  DATE..... *5/12/23*

SEN. JULIUS MURGOR RECHA, MP.
CHAIRPERSON: STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE

CHAPTER 1: INTRODUCTION

1. The petition by the county football association concerning the mismanagement of football in the country by Football Kenya Federation (FKF) was presented to the Senate on 20 June 2023 by Senator Faki Mohamed Mwinyihaji, MP, Senator for Mombasa County, on behalf of County Football Associations (CAF).
2. The petition is counter-signed by the following officials, who represent various counties under the County Football Associations: Wilfred Marori - Secretary Nairobi County Football Association (Lead Petitioner), Peter Lisero - Secretary, Vihiga County Football Association, Micheal Esakwa - Former CEO FKF, James Bunei – Chairman, Baringo County Football Association, Noordin Taib Kur – Nairobi County Football Association, Virginia Mueni – Chairperson, Machakos County Football Association, Hassan Mwaniki – Chairman, Taita Taveta County Football Association among others.
3. The petition raises the following concerns, THAT –
 - i) that Football Kenya Federation (hereinafter referred to as “FKF”) is yet to comply with legal requirements for registration as a national sports organization;
 - ii) since its registration as a national sports organization in 2018, FKF has never held elections as required under the Sports Act;
 - iii) FKF and county governments are yet to recognize county football associations that are duly registered under the Sports Act, 2013;
 - iv) the then Cabinet Secretary for Sports, Culture and Heritage removed the FKF National Executive Committee from office and replaced with it a caretaker committee in November 2021 due to contravention of the Sports Act, 2013;
 - v) The FKF, its President and chief executive officer appealed the removal of the FKF national executive committee to the High Court in Petition No. E473 of 2021. The High Court however, upheld their removal in its judgment delivered on 10th May, 2022;
 - vi) the current Cabinet Secretary for Sports, Culture, and Heritage reinstated the suspended FKF and its national executive committee unprocedurally;
 - vii) the county football associations challenged the reinstatement of the FKF national executive committee in the Sports Disputes Tribunal. That the Sports Disputes Tribunal ruled that the reinstated FKF national executive committee was illegally in office and ordered the Cabinet Secretary for Sports, Culture and Heritage to constitute a caretaker committee for FKF until the election of a new FKF executive Committee;

- viii) the Cabinet Secretary for Sports, Culture and Heritage has continued to act in violation of the High Court and Sports Disputes Tribunal judgment and ruling respectively;
- ix) the Cabinet Secretary for Sports, Culture and Heritage has also declined to facilitate the office of the Sports Registrar to conduct county football associations elections;
- x) county sports associations are yet to benefit from the Sports, Arts and Social Development Fund established under the Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018;
- xi) we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response; and
- xii) none of the issues raised in this petition is pending in any court of law, constitutional or other legal body.

4. The petitioners pray that the Senate –

- i) disbands of the current FKF national executive committee;
- ii) orders for the elections of new FKF national executive committee as a matter of urgency;
- iii) national sports organizations and county governments to recognition of county sports associations by;
- iv) there is obedience of court orders on FKF by the Cabinet Secretary for Sports, Culture and Heritage;
- v) overhauls the Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018 to cater for sports and arts exclusively;
- vi) aligns the FKF constitution with Kenyan and international sport laws ratified by Kenya and;
- vii) prefers any other recommendation that the Senate considers just.

1.1 BACKGROUND

5. This section provides a brief background of the Football Kenya Federation for an in-depth understanding of its services and operations. The section also provides the underpinning legal frameworks, hence setting the context of the petition.

1.1.1 About Football Kenya Federation (FKF)

6. Football Kenya Federation (FKF) is the governing body that runs and manages football in Kenya. It was founded as Kenya Football Federation (KFF) in 1960, affiliated to FIFA in 1960, affiliated to the Confederation of Africa Football (CAF) in 1961 and affiliated to Council for East and Central Africa Football Association (CECAFA) in 1973.¹ Other than regulating the game, the federation aims to promote and develop the game all through the country.

1.1.2 The Legal frameworks underpinning the issues raised in the petition

7. The section provides the underpinning policy and legal frameworks which set the context of the petition.
8. The **Sports Act 2013** provides for the establishment of Sports Kenya under Part II of the Act. The functions of Sports Kenya as provided in section 4 of the Act, are to, among others—
 - i) promote, co-ordinate and implement grassroots, national and international sports programs for Kenyans, in liaison with the relevant sports organizations and facilitate the active participation of Kenyans in regional, continental and international sports, including in sports administration;
 - ii) establish, manage, develop and maintain the sports facilities, including convention centers, indoor sporting and recreational facilities;
 - iii) adopt, develop, plan, set stadia standards and licence and regularly inspect stadia for sporting and recreational use;
 - iv) collaborate with county governments, learning institutions and other stakeholders concerned with sports and recreation, in the search, identification and development of sporting talent, provision of sports equipment, facilities and technical training;
 - v) facilitate the preparation and participation of Kenyan teams in various international events and the hosting of similar events in the country and recommend members of steering committees for international sports competitions, in consultation with the relevant national sports organizations.

¹ Football Kenya Federation: <https://footballkenya.org/>

9. The **Kenya Academy of Sports** is established under Part IV of the Act with the following functions—

- i) establish and manage sports training academies;
- ii) organize, administer and co-ordinate sports courses for technical and sports administration personnel;
- iii) promote research and development of talent in sports, in collaboration with institutions of higher learning, national sports organizations and other stakeholders; and
- iv) receive and analyze data on training requirements from sports organizations’

10. The **Sports Registrar** is established under Part VI of the Act and is—

- i) in charge of the office of the Sports Registrar;
- ii) responsible for the registration and regulation of sports organizations and multi-sports bodies representing sports organizations at the national level, in accordance with the provisions of the Act;
- iii) responsible for the matters relating to the licensing of professional sports and professional sports persons in accordance with the provisions of this Act; and
- iv) responsible for the arbitration of registration disputes between sports organizations.

11. Under section 46 of the Act, the Registrar shall register sports organizations as either—

- (a) a sports club;
- (b) a county sports association; or
- (c) a national sports organization.

12. An application for registration under the Act should be accompanied by—

- (a) a certified copy of the constitution of the applicant; and
- (b) such fees as the Cabinet Secretary may prescribe.

13. The Second Schedule to the Sports Act provides for the following matters to be included in a sport’s organization constitution—

- (a) elections of officials and athletes representatives at the national, branch and sub-branch levels shall be done directly by club members;
- (b) only citizens of Kenya shall be eligible for election as the chairperson, secretary or treasurer of a body at the national level;

- (c) the elections contemplated in paragraph (a) above shall be held at regular intervals after a period of between two years and four years, and persons elected as officials thereof shall consequently hold office as follows—
 - (i) the chairperson shall hold office for a term not exceeding four years, but is eligible for re-election for one more term;
 - (ii) any other official shall hold office for a term not exceeding four years, but is eligible for re-election for one more term.;
- (d) elections shall be held in accordance with the general principles for the electoral system as stipulated in Article 81 of the Constitution;
- (e) subscription to anti-doping policies and rules which conform with the World Anti-Doping Agency Code and compliance with the requirements set out in an anti-doping policy and rules of the National Anti-Doping Organization;
- (f) subscription to Court of Arbitration for Sports policies and rules which conform with requirements set out in Sports Disputes Tribunal policy and rules for sports disputes resolution.
- (g) that the election of officials at national, branch and sub-branch levels shall be done directly and only registered club members are entitled to vote at those elections;
- (h) that the selection of the Kenyan team and the technical personnel shall be done in good time and transparently using fair criteria;
- (i) that the criteria for authorisation and registration of sportspersons and sportspersons' representatives shall be codified, transparent and fair.

14. All national sports organizations registered under the Sports Act are supposed to be open to the public in their leadership, activities and membership.

Inspection of sports organizations

15. Under section 52 of the Sports Act, the Registrar may, at any time, or if so directed by the Cabinet Secretary, cause an inspection to be made by any person authorized by the Registrar, in writing, of any sports organization, branch, sub-branch, organ, or any person associated with any sports organization, and of its or his books, accounts and records.
16. The person conducting an inspection is mandated to submit a report to the Registrar, and the report shall specify any breach or non-compliance with the requirements of this Act and any regulations made thereunder, any irregularity in the manner of conduct of affairs of the sports organization, branch, sub-branch, discovered in the course of the inspection that warrants, in the opinion of the person making the inspection, remedial action or further investigation.

Directions to sports organization after inspection

17. Under sections 53 of the Sports Act, the Registrar may, by notice in writing, and after giving the sports organization, branch, sub-branch or person, reasonable opportunity of being heard, require the sports organization, branch, sub-branch, organ or person to comply, within such period as may be specified, with such directions as he considers necessary in relation to any matter arising out of an inspection report.

Intervention by Cabinet Secretary in management

18. Section 54 of the Sports Act provides as follows—

(1) Where a sports organisation fails to comply with the recommendations of an inspection, the Cabinet Secretary may—

(a) appoint any person or committee to assume the management, control and conduct of the affairs of a sports organization, to exercise the powers and functions of the sports organization to the exclusion of its officials, including the use of its corporate seal, where the sports organization concerned has been unable to conduct its affairs in a proper manner; or

(b) remove any official of a sports organization who, in the opinion of the Cabinet Secretary, has caused or contributed to any contravention of any provision of this Act, or any regulations or directions made thereunder or to any deterioration in the financial stability of the sports organization or has conducted himself in a manner which is detrimental to the interest of the relevant sporting discipline, or which has brought the sporting discipline into disrepute.

(2) The appointment of a person or committee under this section shall be for such period as the Cabinet Secretary shall specify in the instrument of appointment, but shall not exceed six months.

(3) A person or committee shall, upon assuming the management, control and conduct of the affairs of a sports organization, discharge his or its duties with diligence and in accordance with sound management and financial principles.

18. The **Sports Disputes Tribunal** is established under Part VII of the Act and is mandated to determine—

- (a) appeals against decisions made by national sports organizations or umbrella national sports organizations, whose rules specifically allow for appeals to be made to the Tribunal in relation to that issue including —
 - (i) appeals against disciplinary decisions;
 - (ii) appeals against not being selected for a Kenyan team or squad;
- (b) other sports-related disputes that all parties to the dispute agree to refer to the Tribunal and that the Tribunal agrees to hear; and
- (c) appeals from decisions of the Registrar under the Act.

19. Public Finance Management (Sports, Arts and Social Development Fund) Regulations, 2018

The object and purpose of the Fund is to provide funding to support the development and promotion of sports and arts and the promotion of social development including universal health care. In particular, the fund provides for—

- i) promotion of social development including universal health care;
- ii) financing the development of sports and recreation facilities including stadia, gymnasiums, buildings, tracks;
- iii) enhancing support and access to funding for sportspersons and sports organizations to enable their participation in sporting events and competitions;
- iv) facilitation for the acquisition and provision of equipment to sports and recreation facilities; and
- v) support for the identification, nurturing and development of talent in sports and arts.

20. The proceeds of the Fund are apportioned as follows—

- i) an amount not exceeding sixty percent to social development including universal health care;
- ii) **an amount not exceeding thirty five percent to the promotion and development of sports;**
- iii) an amount not exceeding twenty percent to the promotion and development of arts; and
- iv) an amount not exceeding five percent to government strategic interventions whose expenditure shall be subject to approval by Cabinet.

1.2PURPOSE OF THE PETITION

21. The petition by the county football association concerning the mismanagement of football in the country by Football Kenya Federation (FKF) was considered in the Senate on 20 June 2023, and according to Standing Order 238(1), the petition was committed to the Standing Committee on Labour and Social Welfare. In this regard, the Committee is to respond to the petitioner within 60 days by way of a report addressed to the petitioner and laid on the Table of the Senate in line with Standing Order 238(2).

CHAPTER 2: CONDUCT AND PROCEEDINGS OF MEETINGS

22. This section of the report summarizes the Committee's engagement with petitioners and other stakeholders relevant to the matters brought forward in the petition.
23. The Committee had its first meeting with the members of the Nairobi County Football Association on 25th May 2023. The meeting was a discussion on the status of football in the country and how it is being managed. During the discussions, the Committee noted that there were a number of issues that came up and advised the Nairobi County Football Association to petition the Senate on the matters.
24. The Committee had a meeting with the petitioners on 4th July 2023. The meeting comprised of Wilfred Marori - Secretary Nairobi County Football Association (Lead Petitioner), Peter Lisero - Secretary, Vihiga County Football Association, Micheal Esakwa - Former CEO FKF, James Bunei – Chairman, Baring County Football Association, Noordin Taib Kur – Nairobi County Football Association, Virginia Mueni – Chairperson, Machakos County Football Association, Hassan Mwaniki – Chairman, Taita Taveta County Football Association among others.
25. During the meeting the petitioners informed the committee of how football is being mismanaged in Kenya by the Football Kenya Federation and how the the federation officials are in office illegally after its disbandment by the Minister for Sport in the year 2021.
26. The Committee also held a sitting with the Ministry of Youth Affairs, Sports, and the Arts. The meeting was on Thursday 7th October 2023. Present in the meeting was the Cabinet Secretary (CS) for the Ministry of Youth Affairs, Sports and the Arts Hon. Ababu Namwamba, the Permanent Secretary for the Ministry of Youth Affairs, Sports and the Arts Hon. Peter Tum, the Sports Registrar Mrs. Rose Wasike, Mr. Pius Metto – Director General, Sports Kenya, and Doreen Adhiambo – CEO Kenya Academy. The petitioners were also present in the meeting. The CS submitted to the Committee that the government does not run sports, it only regulates and facilitates sporting activities including football.
27. The Committee met with the Petitioners and the President of the Football Kenya Federation (FKF) Mr. Nick Mwendwa – President FKF, Mr. Barry Otieno - Chief Executive Officer FKF, Mr. Micheal Majua – National Executive Council FKF, and Mr. Antony Makau - National Executive Council FKF on 5th October

2023. The submissions by the FKF president provided clarity on the issues regarding the federation management of football in Kenya and he vowed to work closely with the CAF. The president further submitted to the Committee that the matter being sort by the petitioners is also being sort in court and is set for hearing on 17th October 2023. The Committee resolved that both parties meet and dialogue and report back within a month on the way forward;

28. The Committee, at its meeting held on 30th November, 2023, noted that the two parties had failed to meet and deliberate on the matter and directed them to follow through the court process and await its outcome.

CHAPTER 3: EMERGING THEMES FROM THE SUBMISSIONS

29. This chapter synthesizes the submission relating to the petition. The following thematic issues emerged during the Committee meetings with the petitioners and stakeholders.

3.1 POOR MANAGEMENT AND DISREGARD OF REGULATIONS AND COURT ORDERS

30. The petitioners' submissions showed that FKF and its National Executive Committee are illegally in office. The Committee learned that FKF was initially registered under the Societies Act in 2011 before the Sports Act came into effect in 2013. The petitioners told the committee that after the Sports Act come into place, FKF was temporarily registered and later fully registered with a Provisional and Conditional registration as a nation Sports Organization (section 47) certificate no 45 issued on 24th May 2018.²

31. The Committee learned of some of the conditions put in place for FKF as submitted by the petitioners but failed to comply with were –

- i) FKF complies with the Sports Act and any other relevant law;
- ii) FKF reviews its constitution in line with the Constitution of Kenya, the Sports Act No. 25 of 2013 and its international statutes;
- iii) FKF holds elections within 90 days from the date of issuance of the provisional/conditional certificate and in accordance with article 81 of the Constitution, second schedule of the Sports Act, Rule 20 of the Sports Registrar Rules and Regulations of 2 September 2016 and FIFA statutes;
- iv) FKF develops short, mid and long-term strategic plans; and
- v) Consequence of noncompliance with any of the 4 conditions may lead to cancellation of the Certificate.

32. The petitioners indicated that FKF has failed to meet all the the above condtions and therefore the officials are in office illegally.

33. The petitioners further submitted to the Committee that for many years FKF has been mismanageing football. The committee was informed that in the year 2021 due to the continuous mismanagement, allegations of misconduct and lack of integrity by FKF, the then Cabinet Secretary for Sports, Culture and Heritage disbanded the

² Submissions from the petitioners to the Committee

Football Kenya Federation and constituted a caretaker Committee to handle football matters through a Gazette Notice No. 12374. (*Attached as Annexure*)

34. The petitioners submitted that the president of FKF and the Chief Executive Officer (CEO) appealed for the removal of the FKF National Executive Committee (the caretaker Committee) to the high court in petition No. E473 of 2021. (*Attached as Annexure*). The Committee was informed by the petitioners that the high court upheld their removal in its judgment delivered in 10th May 2023 meaning that FKF is illegally in office and poorly managing football.
35. The petitioners indicated to the Committee that despite the Gazette notice and the court ruling FKF has still remained in office forcefully hence disobeying court orders. The Committee learned from the submissions by the petitioner that the CS, FIFA and Confederation of African Football (CAF) would have established a Nobolization Committee to harmonize football issues and other matters during the suspension of FKF by the sports Minister.
36. The petitioners informed the Committee that FKF and the Ministry of Sports does not recognize County Football Associations (CFA) as a legally registered body mandated to run football at the county and subcounty levels. The petitioners alluded to the fact that, FKF and does not engage CFA in the management of football and also in the elections.
37. The petitioners concluded their submissions by accusing the Ministry of Youth, Sports and the Art for not facilitating the county football associations conduct its elections through the Sports Registrar. Additionally the petitioners informed the Committee that they have never benefited from the Sports, Art and Social Development Fund established under the Public Finance Management Regulations (PFM), 2018.
38. The Ministry of Youth, Sports and the Art in its response and submission to the Committee stated that government does not run sports including football. Government's main involvement in sports matter is to provide regulations and facilitation of all sporting activities while sports federations are tasked with the management of sports.
39. The CS submitted the Committee that in the last 10 months, the Ministry has worked tirelessly to revive sports especially football which has been facing many challenges. One of the major challenges the ministry was dealing with during these 10 months included the issue of FIFA suspension of Kenya from all international football activities in February 2022. After a successful meeting between the CS and the the

president of FIFA, Mr. Gianni Infantino the suspension of Kenya by FIFA was lifted in November 2022.

40. The Ministry from their submissions to the Committee showed that contrary to the assertions by the petitions, FKF has had three (3) elections between February and September 2020. Two of the elections were cancelled due to legal battles and non-compliance with applicable laws, however, the third election was endorsed by the Sports Dispute Tribunal (SDT). (*Judgement Copy attached in annexure*).³ The ministry is engaging with FIFA, FKF and other stakeholders to ensure upcoming FKF elections on 24th February 2024 are held in accordance with the relevant laws.
41. The Committee learned that the Ministry reinstated the FKF and its National Executive Committee after consultation with FIFA, FKF and other stakeholders. Compliance with FIFA's conditions was necessary for Kenya, and this was achieved through the widespread consultations. The CS stated that he also held consultations with premier and National super league clubs, referees' professional body and the sports journalists fraternity. Through the meetings the stakeholders unanimously agreed on the need to comply with the FIFA conditions. (*A copy of resolutions in annexure*) The CS committed to the Committee to uphold the law and emphasized that FKF is the sole FIFA recognized authority responsible for overseeing football.
42. The Ministry alluded to the fact that CFAs are not members of FKF but are registered by the Sports Registrar and further that the Ministry faces serious budget constraints which affect all department and its for the same reason it can not facilitate the conduction of elections of County Football Associations. However the CS indicated that his ministry and the National Treasury are in consultation for additional funding to enable implementation of programs and activities. The Ministry submitted that the Sports, Art and Social Development Fund under the PFM 2018 is a fund that only finances national sports organizations' programmes and activities, once CFAs and county clubs are FKF affiliated, the funding will be channeled to them through FKF.
43. FKF through its president before making his submissions, he notified the Committee that he had a preliminary issue. The preliminary issue was that the petitioner had filed a case in court on 17 August 2023, on the same matters raised in the petition. (*A copy of the Court Petition attached in annexure*). The president further informed the Committee that the matter was set for hearing on 17th October 2023.
44. FKF indicated to the Committee that, it has never violated any laws and that it is managing football in the best way possible. The president submitted to the

³ Ministry of Youth, Sports and the Arts submissions to the Committee 2023

Committee that the federation is ready to listen to the views and ideas of the County Football Association and have a common ground on the matters of football in Kenya. FKF reiterated that they are ready to settle the matter out of court if CAF withdraws the case.

3.2 CHALLENGES AND POLICY INTERVENTIONS IN ADDRESSING THE MANAGEMENT OF FOOTBALL AND OTHER SPORTS IN KENYA

45. The petitioners brought to the attention of the Committee the need for the FKF constitution to be amended and to be in line with the constitution of Kenya 2010 and the FIFA statutes. The petitioners alleged that the current FKF constitution does not recognise County Football Association as representatives of grassroots football clubs and their mandate of managing football at the county level.
46. The petitioners submitted to the Committee that the Sports Act is an important act but FKF constantly contravenes it leading to poor management and leadership and numerous court cases against the federation. The petitioners alleged that FKF has never held elections since 2018 as is required by the Sports Acts, similarly the Cabinet Secretary invoked section 52 of the Sports Act and instituted an inspection Committee on FKF, the findings of the committee were glaring and criminal nature. The Committee learned that on recommendation of the Inspection Committee the CS invoked Article 54(1)n of the Sports Act 2023 and disbanded FKF.
47. The Ministry of Sports, in its submission to the Committee brought out the policy challenges in the sports sector as well as legislations. The County Football Associations are not recognised by national sports organizations and the county governments, this should be addressed by proper policies in place. The 2005 Sports policy is not quite sufficient and needs a review. The Ministry of Youth, Sports and the Arts expressed the need for a review of the Sports Act 2013 with the aim of creating favourable atmosphere for sports development.
48. The Committee learned that both the petitioners and the Ministry of Sports agree that there is need for more funding for sports and in particular football to enable development and proper management. The CS informed the Committee of the need to overhaul the Public Finance Management (Sports, Arts and Social Development Fund) Regularisation 2018. The fund only finances national sports organizations' programs and activities at the expense of other county sports organizations including CFA who have to affiliate with the National organizations.

49. Proceeds of the funds are as below: -

- i) an amount not exceeding sixty percent to social development including universal health care;
- ii) an amount not exceeding thirty five percent to the promotion and development of sports;
- iii) an amount not exceeding twenty percent to the promotion and development of arts; and
- iv) an amount not exceeding five percent to government strategic interventions whose expenditure shall be subject to approval by Cabinet.

50. FIFA statutes, CAF and other international laws are important to FKF as was explained by the Ministry in the submissions. The suspension of the Kenya national football team from the international football was squarely on the fact that FKF had not complied with the FIFA rules. The petitioners and the Ministry pointed out that FKF should always operate within the FIFA statutes to enable proper management, development and exportation of local talent internationally.

CHAPTER 4: COMMITTEE OBSERVATIONS & RECOMMENDATIONS

4.1 COMMITTEE OBSERVATIONS AND FINDINGS

51. The Committee makes the following observations. THAT: -

- i) The Ministry failed to explain to the Committee under what circumstances the Cabinet Secretary decided to reinstate the Football Kenya Federation (FKF) back to office despite the Gazette Notice No. 12374 and high court petition No. E473 of 2021.
- ii) The Cabinet Secretary responsible for matters relating to sports may intervene in the management of any sports organization.
- iii) Football development is a function of Sports Kenya under the Sports Acts 2013.
- iv) The Sports Registrar is responsible for the registration and regulation of sports organizations and multi sports bodies representing sports organization at the National Level.
- v) Sports, Arts and Social Development Fund provides funding to support the development and promotion of sports and arts and the promotion of social development including Universal Health Care.
- vi) Sports, Arts and Social Development Fund allocates 35 percent of the fund only to the promotion and development of sports, 20 percent to the development and promotion of arts, 60 percent to social development including Universal Health Care and 5 percent to government strategic interventions.
- vii) The Cabinet Secretary responsible for National Treasury and Economic Planning has established a taskforce to review the Sports, Arts and Social Development Fund Regulations to have the fund focus exclusively on sports and arts.
- viii) The CS responsible for sports informed the Committee that FKF is scheduled to hold its elections in February, 2024.

4.2 COMMITTEE RECOMMENDATIONS

52. The Committee makes the following recommendations: -

- i) The County Football Associations and the Football Kenya Federation to follow through the Sports Dispute Tribunal process on the matter, and report to the Senate on the ruling and outcome;
- ii) The Cabinet Secretary of Youth Affairs, Creative Economy and Sports, in conjunction with the Cabinet Secretary in charge of the National Treasury to review the Public Finance Management Act (Sports, Art and Social Development Fund) Regulation 2018 to provide for better management and funding of sports in the country and to have the fund focus exclusively on sports and arts and submit a report to the Senate within 3 months upon tabling of this report;
- iii) The Football Kenya Federation to submit to the Committee a schedule of the elections within 2 weeks upon tabling of this report; and
- iv) The Sports Registrar to submit a report to the Senate on the FKF elections before the end of March, 2024.

53. The Committee undertakes to follow-up the matter to its logical conclusion.



THIRTEENTH PARLIAMENT | SECOND SESSION

STANDING COMMITTEE ON LABOUR & SOCIAL WELFARE

ATTENDANCE REGISTER

DATE 5TH December, 2023 TIME 13:25

VENUE Njiru Chamber

AGENDA Adoption of the Petition report concerning the
Mismanagement of Football by FKF

NO.	NAME	SIGNATURE
1.	Sen. Julius Murgor Recha, MP (Chairperson)	—
2.	Sen. George Mungai Mbugua, MP (Vice Chairperson)	— Online
3.	Sen. (Rtd). Justice Stewart Madzayo, CBS, MP	— Online
4.	Sen. Erick Okong'o Mogeni, SC, MP	—
5.	Sen. Mohamed Faki Mwinyihaji, MP	— Online
6.	Sen. Alexander Munyi Mundigi, MP	—
7.	Sen. Crystal Kegehi Asige, MP	—
8.	Sen. Gloria Magoma Orwoba, MP	— (Ag-chair)
9.	Sen. Miraj Abdulahi Abdulrahman, MP	—

CONFIRMED BY: Getrude Nteiri

SIGNATURE: G.N.



MINUTES OF THE NINETY EIGHTH (98TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD A HYBRID MEETING ON TUESDAY, 5TH DECEMBER, 2023 AT 1.00 PM IN THE COUNTY HALL MINI CHAMBER.

MEMBERS PRESENT

- | | |
|---|--------------------------------|
| 1. Sen. Gloria Orwoba, MP | - Member (Ag. Chair) |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson (Virtually) |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member (Virtually) |
| 4. Sen. Mohamed Mwinyihaji Faki, MP | - Member (Virtually) |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|--|---------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

SECRETARIAT

- | | |
|------------------------|---------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Ms. Juliet Masinde | - Media Relations Officer |
| 6. Mr. Joseph Otieno | - Audio Officer |

MIN/SEN/SCLSW/528/2023: PRAYERS

The Chairperson called the meeting to order at 13.25 pm, followed with a word of prayer.

MIN/SEN/SCLSW/529/2023: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Crystal Asige, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. **Confirmation of Minutes 97th Sitting;**
4. **Matters Arising from the Minutes of Previous Minutes;**
5. **Consideration of the report on the Petition concerning mismanagement of football in the country by the Football Kenya Federation;**
6. **Adoption of the report on the Petition concerning mismanagement of football in the country by the Football Kenya Federation;**
7. Any Other Business; and
8. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/530/2023 **CONFIRMATION OF MINUTES OF THE 97TH SITTING**

The Minutes of the 97th Sitting held on Monday, 4th December, 2023 at 2.00 pm were confirmed as a true record of the deliberations of the Committee having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. George Mbugua, MP;

MIN/SEN/SCLSW/531/2023 **CONSIDERATION OF MATTERS ARISING FROM THE MINUTES;**

There were no matters arising.

MIN/SEC/SCLSW/532/2023 **CONSIDERATION OF THE REPORT ON THE PETITION CONCERNING MISMANAGEMENT OF FOOTBALL IN THE COUNTRY BY THE FOOTBALL KENYA FEDERATION;**

The Committee deliberated on the report and resolved as follows –

- i) The County Football Associations and the Football Kenya Federation to follow through the Sports Dispute Tribunal process on the matter, and report to the Senate on the ruling and outcome;
- ii) The Cabinet Secretary of Youth Affairs, Creative Economy and Sports, in conjunction with the Cabinet Secretary in charge of the National Treasury to review the Public Finance Management Act (Sports, Art and Social Development Fund) Regulation 2018 to provide for better management and funding of sports in the country and to have the fund focus exclusively on sports and arts and submit a report to the Senate within 3 months upon tabling of this report;
- iii) The Football Kenya Federation to submit to the Committee a schedule of the elections within 2 weeks upon tabling of this report; and
- iv) The Sports Registrar to submit a report to the Senate on the FKF elections before the end of March, 2024.

The Committee also undertook to follow-up the matter to its logical conclusion.

MIN/SEC/SCLSW/533/2023

**ADOPTION OF THE REPORT ON THE
PETITION CONCERNING MISMANAGEMENT
OF FOOTBALL IN THE COUNTRY BY THE
FOOTBALL KENYA FEDERATION;**

The report on the Petition concerning mismanagement of football in the country by the Football Kenya Federation was adopted after being proposed by Sen. Mohammed Faki, MP and seconded by Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP.

MIN/SEN/SCLSW/534/2023

ANY OTHER BUSINESS

1. The Committee deliberated about the upcoming meeting with the State Department of Social Protection and Senior Citizens Affairs on the draft Social Protection Bill that would take place in December, 2023 and directed the secretariat to make the requisite logistical arrangements to facilitate the meeting; and
2. The Committee also requested for a status update on statements in the next meeting.

MIN/SEN/SCLSW/535/2023

**ADJOURNMENT AND DATE OF THE NEXT
MEETING**

The meeting was adjourned at 13.47 pm, with the next meeting being on notice.

SIGNED.....DATE.....

**CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**



MINUTES OF THE NINETY SEVENTH (97TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD VIRTUALLY ON MONDAY, 4TH NOVEMBER, 2023 AT 2.00 PM.

MEMBERS PRESENT

- | | |
|---|----------------------|
| 1. Sen. Miraj Abdulahi Abdulrahman, MP | - Member (Ag. Chair) |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Gloria Orwoba, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|---------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 3. Sen. Crystal Asige, MP | - Member |

SECRETARIAT

- | | |
|------------------------|------------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 3. Ms. Marale Sande | - Principal Research Officer |
| 4. Mr. Jeremy Chabari | - Legal Counsel |
| 5. Mr. Rhyan Injendi | - Research Officer III |
| 6. Ms. Juliet Masinde | - Media Relations Officer |
| 7. Mr. Joseph Otieno | - Audio Officer |
| 8. Mr. John Chege | - SAA |

MIN/SEN/SCLSW/521/2023: PRAYERS

The Chairperson called the meeting to order at 14.10 pm, followed with a word of prayer.

MIN/SEN/SCLSW/522/2023: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Rtd.) Justice Mohammed Faki, MP and seconded by Sen. Alexander Mundigi, MP as follows-

1. Prayers;
2. Adoption of the Agenda;
3. **Confirmation of Minutes 92nd, 93rd, 94th 95th and 96th Sittings;**
4. **Matters Arising from the Minutes of Previous Minutes;**
5. **Consideration of the report on the Petition concerning mismanagement of football in the country by the Football Kenya Federation;**
6. **Adoption of the report on the Petition concerning mismanagement of football in the country by the Football Kenya Federation;**
7. Any Other Business; and
8. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/523/2023 CONFIRMATION OF MINUTES 92ND, 93RD, 94TH, 95TH AND 96TH.

1. The Minutes of the 92nd Sitting held on Wednesday, 25th October, 2023 at 10.00 am were confirmed as a true record of the deliberations of the Committee having been proposed by Sen. (Rtd.) Justice, Stewart Mwadzayo, MP and seconded by Sen. Alexander Mundigi, MP;
2. The Minutes of the 93rd Sitting held on Friday, 10th November, 2023 at 10.00 am were confirmed as a true record of the deliberations of the Committee having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Mohammed Faki, MP;
3. The Minutes of the 94th Sitting held on Friday, 10 October, 2023 at 11.00 am were confirmed as a true record of the deliberations of the Committee having been proposed by Sen. Alexander Mundigi, MP and seconded by Sen. Mohammed Faki, MP;
4. The Minutes of the 95th Sitting held on Tuesday, 14th November, 2023 at 11.00 am were confirmed as a true record of the deliberations of the Committee having been proposed by Sen. (Rtd.) Justice, Stewart Mwadzayo, MP and seconded by Sen. Alexander Mundigi, MP; and
5. The Minutes of the 96th Sitting held on Tuesday, 30th November, 2023 at 11.00 am were confirmed as a true record of the deliberations of the Committee having been proposed by Sen. (Rtd.) Justice, Stewart Mwadzayo, MP and seconded by Sen. Mohammed Faki, MP.

MIN/SEN/SCLSW/524/2023 CONSIDERATION OF MATTERS ARISING FROM THE MINUTES;

Under MIN/SEN/SCLSW/318/2023 on meeting with the Petitioners and the Management of Football Kenya Federation (FKF) in alleged mismanagement of football in the country by the FKF, the Committee deliberated on the matter and resolved to table a progress report as they await the outcome of the Sports Disputes Tribunal.

MIN/SEC/SCLSW/525/2023

CONSIDERATION OF THE REPORT ON THE
PETITION CONCERNING MISMANAGEMENT
OF FOOTBALL IN THE COUNTRY BY THE
FOOTBALL KENYA FEDERATION;

The Committee deliberated on the report and resolved to submit a progress report recommending the parties to go through the Sports Disputes Tribunal Process and report back to the Committee, after which the Committee will submit its final report.

The Secretariat was directed to amend the resolutions and schedule a meeting for the progress report consideration and adoption the following day.

MIN/SEN/SCLSW/526/2023

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/527/2023

ADJOURNMENT AND DATE OF THE NEXT
MEETING

The meeting was adjourned at 14.40 pm, with the next meeting being on notice, the following day.

SIGNED.....*Gloria Orwira*.....DATE.....*5/12/23*.....

for: CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE NINETY SIXTH (96TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 30TH NOVEMBER, 2023 AT 11:00 AM N THE GROUND FLOOR BOARD ROOM, COUNTY HALL BUILDING.

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, MP | - Member |
| 5. Sen. Crystal Asige, MP | - Member |

APOLOGIES

- | | |
|--|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 2. Sen. Alexander Munyi Mundigi, MP | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 4. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|-------------------------|
| 1. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Mr. Rhyan Injendi | - Research Officer |
| 4. Ms. Juliet Masinde | - MRO |
| 5. Mr. John Chege | - SAA |
| 6. Mr. Joseph Otieno | - Audio Officer |

IN ATTENDANCE

- | | |
|-----------------------------|---|
| 1. Sen. Enoch Wambua, MP | - Senator, Kitui County |
| 2. Hon. Charity Wangoma, MP | - Women Representative, Uasin Gishu County |
| 3. Mr. Nick Mwendwa | - President, FKF |
| 4. Mr. Berry Otieno | - CEO, FKF |
| 5. Mr. Alfred Marori | - Lead Petitioner |
| 6. Mr. Lisero Peter | - Secretary, Vihiga County Football Association |

- | | |
|-------------------------------|---|
| 7. Mr. Jemnyango Moses | - Chairman, Kajiado County Football Association |
| 8. Mr. Daniel Maina | - Chairman, Murang'a County Football Association |
| 9. Mr. Ibrahim Idd Njuki | - Chairman, Embu County Football Association |
| 10. Mr. John Muchiri Kamwitha | - Chairman, Tharaka Nithi County Football Association |
| 11. Mr. Ruto Kilimo | - Secretary, Kajiado County Football Association |
| 12. Mr. Noordinne Tab | - Member, Nairobi County Football Association |

MIN/SEN/SCLSW/516/2023: PRAYERS

The Chairperson called the meeting to order at 11:30 am followed with a word of prayer. This was followed by a round of introductions.

MIN/SEN/SCLSW/517/2023: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. George Mbugua, MP and seconded by Sen. Crystal Asige, MP as follows-

1. Prayers and Introductions;
2. Adoption of the Agenda;
3. **Meeting with the Petitioners and the management of Football Kenya Federation (FKF) on the alleged mismanagment of football in the country by FKF;**
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/518/2023

MEETING WITH THE PETITIONERS AND THE MANAGEMENT OF FOOTBALL KENYA FEDERATION (FKF) ON THE ALLEGED MISMANAGMENT OF FOOTBALL IN THE COUNTRY BY FKF;

i. Remarks by the Chairperson, Labour and Social Welfare Committee

1. The Chairperson welcomed the petitioners and the Football Kenya Federation to the meeting and noted that the Committee was in receipt of a letter from the petitioners with allegations that the Committee had been compromised in processing the matter.
2. The Committee deliberated on the contents of the letter in which the Petitioner had raised the following concerns -
 - a) The postponement of the Committee meeting was done without consideration of the logistics used to attend the meetings;
 - b) The Committee may have been bribed by Mr. Nick Mwendwa, FKF president as was allegedly his norm;

- c) The respondent to the petition was meant to be the Cabinet Secretary Ministry of Youth, Creative Economy and Sports and not Football Kenya Federation (FKF);
- d) Mr. Nick Mwendwa, President FKF and FKF were trying to delay the hearing so that the matter is overtaken by events;
- e) The term of FKF expires on 24th February, 2024 hence any decision close to the dates or after will be inconsequential; and
- f) The petitioners issued the Committee with an ultimatum of 28 days to conclude on the Petition failure to which the petitioners will withdraw the Petition.

3. Upon deliberations, the Committee noted the following:

- a) By accusing the Senate Committee, the petitioners in extension were accusing the entire Senate since the Committee acted on behalf of the Senate;
- b) The Petitioners had brought the Petition to the Senate by choice therefore had no one to blame for taking the same matter to the Courts of law;
- c) Demanded that the petitioner substantiates the bribery allegations; and
- d) The Committee has the powers to postpone a meeting depending on the circumstances.

ii. Remarks by the Petitioners

In their submissions, the petitioners informed the Committee the following:

- 1. The lead petitioner acknowledged that he wrote the letter in his own capacity and his views did not reflect the views of other petitioners;
- 2. FKF has minimum responsibilities as far as the national team preparations are concerned hence should be able to attend the meetings when called upon;
- 3. The other petitioners distanced themselves from the allegations of the lead petitioner, emphasizing that the views the lead petitioner expressed were his own personal views; and
- 4. The Petitioners apologized to the Committee and undertook to issue a written apology to the Committee as well as issue a press release apologizing for misleading the public.

iii. Updates on the outcome of the dialogue

a) Petitioners

- 1. The lead petitioner informed the Committee that he had received a personal invite to attend a meeting with the FKF which he declined since he presented the Petition to the Senate in his capacity as the Secretary, Nairobi Football Association and not in his individual capacity.

2. He further informed the Committee that FKF were in office illegally and therefore he was not keen on holding a dialogue with officers who were in office illegally.
3. The matter was still in court and a hearing date had been set for 7th December, 2023.
4. All other petitioners informed the Committee that they were ready to have a meeting with FKF in the interest of football in the country.

b) Football Kenya Federation

1. Mr. Mwendwa, FKF president informed the Committee that he came to the meeting prepared to give an update on the dialogue, he was however shocked that such allegations had been leveled against the Committee and upon him.
2. He requested that the lead petitioner issues an apology to him too as he did not take the allegations lightly.
3. He further informed the Committee that in the last meeting where the petitioners were present and upon direction by the Committee, he held a meeting with the petitioners and agreed that each party proposes five people who would take part in the dialogue, however that has not happened.
4. Mr. Mwendwa informed the Committee that since the first meeting that was held in Parliament, the lead petitioner has since refused to respond to calls, messages and even letters inviting him and four other petitioners for a meeting. The dialogue has therefore not taken place.

Committee Resolution

Upon deliberation, the Committee resolved the petitioners and FKF follow the matter in the Sports Dispute Tribunal to conclusion and report the outcome of the proceedings to the Committee.

MIN/SEN/SCLSW/519/2023

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/520/2023

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 2:00pm, with the next meeting scheduled for the Monday 4th December, at 2.00 pm.

SIGNED.....*MURGOR RECHA*.....DATE *Monday, 4th December, 2023*.....

For CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE NINTIETH (90TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 24TH OCTOBER, 2023 AT 12.00 NOON IN THE BARAZA 1 CONFERENCE ROOM, SAROVA WHITESANDS BEACH RESORT, MOMBASA COUNTY.

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 4. Sen. Mohamed Mwinyihaji Faki, MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Crystal Asige, MP | - Member |
| 7. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 2. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Ms. Mwanate Shaban | - Senior Clerk Assistant |
| 2. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 3. Mr. Jeremy Chabari | - Legal Counsel |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Mr. Joseph Otieno | - Audio Officer |
| 6. Mr. John Chege | - SAA |

MIN/SEN/SCLSW/480/2023: PRAYERS

The Chairperson called the meeting to order at 12.00 noon followed with a word of prayer.

MIN/SEN/SCLSW/481/2023: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. Mohammed Faki, MP as follows-

1. Prayers;
2. Adoption of the Agenda;

3. Consideration of the report of the Petition by County Football Associations concerning the mismanagement of of football in the country by the Football Kenya Federation (FKF);
4. Adoption of the report of the Petition by County Football Associations concerning the mismanagement of of football in the country by the Football Kenya Federation (FKF);
5. Any Other Business; and
6. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/482/2023 CONSIDERATION OF THE REPORT OF THE PETITION BY COUNTY FOOTBALL ASSOCIATIONS CONCERNING THE MISMANAGEMENT OF OF FOOTBALL IN THE COUNTRY BY THE FOOTBALL KENYA FEDERATION (FKF);

1. Members considered the report of the Petition concerning the mismanagement of football in the country by the football Kenya Federation and made the following observations – that,
 - i) The Ministry failed to explain to the Committee under what circumstances the Cabinet Secretary decided to reinstate the Football Kenya Federation (FKF) back to office despite the Gazette Notice No. 12374 and high court petition No. E473 of 2021;
 - ii) The law provides that the Cabinet Secretary responsible for matters relating to sports may intervene in the management of any sports organization.
 - iii) Football development is a function of Sports Kenya under the Sports Acts 2013;
 - iv) The Sports Registrar is responsible for the registration and regulation of sports organizations and multi sports bodies representing sports organization at the National Level;
 - v) Sports, Arts and Social Development Fund provides funding to support the development and promotion of sports and arts and the promotion of social development including Universal Health Care;
 - vi) Sports, Arts and Social Development Fund allocates 35 percent of the fund only to the promotion and development of sports, 20 percent to the development and promotion of arts, 60 percent to social development including Universal Health Care and 5 percent to government strategic interventions;
 - vii) The Cabinet Secretary responsible for National Treasury and Economic Planning has established a taskforce to review the Sports, Arts and Social Development Fund Regulations to have the fund focus exclusively on sports and arts; and
 - viii) The CS responsible for sports informed the Committee that FKF is scheduled to hold its elections in February, 2024.

2. The Committee also noted that at its last meeting on the matter where the Petitioners and the Football Kenya Federation (FKF) were in attendance, the Committee was informed that the Petitioners had filed a case in court against FKF, and that the Committee had resolved that the Petitioners and FKF hold a dialogue to resolve the issues raised in the Petition and report back to the Committee within the thirty days. These thirty days expire on 5th November, 2023.
3. The Committee further noted that the sports register had not availed a copy of the registration to ascertain that FKF was duly registered.

MIN/SEN/SCLSW/482/2023 **ADOPTION OF THE REPORT OF THE PETITION BY COUNTY FOOTBALL ASSOCIATIONS CONCERNING THE MISMANAGEMENT OF OF FOOTBALL IN THE COUNTRY BY THE FOOTBALL KENYA FEDERATION (FKF);**

1. The Committee therefore resolved to defer on the adoption of the report and hold a final meeting on 7th of November where the Committee will be appraised on the talks between the Petitioners and FKF;
2. The Committee also resolved to write to the Sports Registrar requesting for FKF registration certificate.

MIN/SEN/SCLSW/483/2023

ANY OTHER BUSINESS

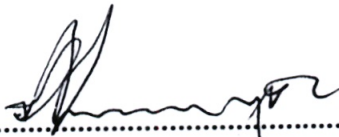
There was no other business.

MIN/SEN/SCLSW/484/2023

ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 12.47 pm for Lunch break and the Committee resolved to meet at 2.30 for the delegation may head to Pride Inn to meet the County Public Service Boards.

SIGNED.....



DATE *Wednesday, 25th October, 2023*

CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE EIGHTY-SEVENTH (87TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 5TH OCTOBER, 2023 AT 10:00 AM IN COMMITTEE ROOM 24, 5TH FLOOR, BUNGE TOWER.

MEMBERS PRESENT

- | | |
|---|---------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 3. Sen. Alexander Munyi Mundigi, MP | - Member |

APOLOGIES

- | | |
|--|--------------------|
| 1. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 3. Sen. Mohamed Faki Mwinyihaji, MP | - Member |
| 4. Sen. Crystal Asige, MP | - Member |
| 5. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 6. Sen. Gloria Orwoba, MP | - Member |

SECRETARIAT

- | | |
|------------------------|------------------------------|
| 1. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 2. Mr. Malcom Ngugu | - Legal Counsel |
| 3. Ms. Sande Marale | - Principal Research Officer |
| 4. Mr. Rhyan Injendi | - Research Officer III |
| 5. Ms. Terry Juliet | - Media Relations Officer |
| 6. Mr. Joseph Otieno | - Audio Officer |
| 7. Mr. John Chege | - SAA |

IN ATTENDANCE

- | | |
|--------------------------|---------------------------------------|
| 1. Sen. Enoch Wambua, MP | - Senator, Kitui County |
| 2. Hon. Jeniffer Mulanda | - Woman Representative, Vihiga County |
| 3. Mr. Nick Mwendwa | - President, FKF |
| 4. Mr. Barry Otieno | - CEO, FKF |
| 5. Mr. Michael Majua | - NEC, FKF |
| 6. Mr. Antonu Makau | - NEC, FKF |
| 7. Mr. Wilfred Marori | - Lead Petitioner |
| 8. Mr. Peter Lisero | - Petitioner |
| 9. Mr. Ibrahim Njuki | - Petitioner |

MIN/SEN/SCLSW/463/2023: PRAYERS

The Chairperson called the meeting to order at 10:30 am followed with a word of prayer. He thereafter requested the participants to make a round of introductions.

MIN/SEN/SCLSW/464/2023: ADOPTION OF AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Alexander Munyi Mundigi MP and seconded by Sen. Stewart Madzayo, MP as follows-

1. Prayers and Introductions;
2. Adoption of the Agenda;
3. **Meeting with the Football Kenya Federation to deliberate on the Petition concerning the mismanagement of football in the country;**
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/465/2023 MEETING WITH THE FOOTBALL KENYA FEDERATION TO DELIBERATE ON THE PETITION CONCERNING THE MISMANAGEMENT OF FOOTBALL IN THE COUNTRY;

a) Remarks by the Chairperson, Standing Committee on Labour and Social Welfare

The Chairperson welcomed the Petitioners and the Football Kenya Federation and requested the lead petitioner to make a brief presentation of the Petition.

However, before the Petitioner addressed the Committee, the President FKF requested to raise a preliminary point. Upon consultation, the Committee resolved that the president FKF be allowed to raise the preliminary point.

b) Remarks by the President, Football Kenya Federation (FKF)

In raising the preliminary point, the Chairperson FKF informed the Committee that the Petition before the Committee was currently in a court of law and a hearing date had been scheduled.

The Committee noted that the matter cannot be deliberated in the Committee while it was still active in a court of law.

c) Committee Resolution

Upon deliberations, the Committee resolved that the Petitioner and the FKF hold a dialogue within the next one Month to address all the issues raised in the Petition considering that Kenya had been considered to host the African Cup of Nations, 2027.

MIN/SEN/SCLSW/466/2023 ANY OTHER BUSINESS

The Committee resolved to hold a report writing retreat on the Petitions before the Committee. There was no other business.

MIN/SEN/SCLSW/467/2023

ADJOURNMENT AND DATE OF
THE NEXT MEETING

The meeting was adjourned at 11:54 am and the next meeting would be held by notice.

SIGNED..........DATE.....12/10/23.....

**CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE**



MINUTES OF THE EIGHTY-FIRST (81ST) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 7TH SEPTEMBER, 2023 AT 2:00 PM AT THE BUNGE TOWERS, PARLIAMENT BUILDINGS.

MEMBERS PRESENT

- | | |
|---|--------------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 4. Sen. Mohamed Faki Mwinyihaji, MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |

APOLOGIES

- | | |
|--|----------|
| 1. Sen. Erick Okong'o Mogeni, SC, MP | - Member |
| 2. Sen. Gloria Orwoba, MP | - Member |
| 3. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 4. Sen. Crystal Asige, MP | - Member |

IN-ATTENDANCE

- | | |
|--------------------------|--|
| 1. Hon. Ababu Namwamba | - CS, Ministry of Youth Affairs, the Arts and Sports |
| 2. Eng. Peter Tum | - PS, State Department for Sports |
| 3. Hon. Jennifer Malanda | - Women Representative, Vihiga county |
| 4. Ms. Rose Wasike | - Sports Registrar |
| 5. Mr. Pius Metto | - DG, Sports Kenya |
| 6. Mr. Winfred Marori | - Lead Petitioner |
| 7. Mr. Daniel Kahiga | - Muranga County Football Association |
| 8. Mr. James Bunct | - Baringo County, Football Association |
| 9. Mr. Charles Njoroge | - Nairobi County, Football Association |
| 10. Mr. Hassan Mwaniki | - Taita Taveta, Football Association |
| 11. Mr. Peter Lisero | - Vihiga County, Football Association |
| 12. Mr. Noordin Taib | - Sports Consultant |
| 13. Mr. Michael Esakwa | - Former CEO FKF |

SECRETARIAT

1. Ms. Getrude Nthiiri - First Clerk Assistant
2. Mr. Jeremy Chabari - Legal Counsel I
3. Mr. Rhyan Injendi - Research Officer III
4. Mr. Joseph Otieno - Audio Officer
5. Ms. Swaluha Yusuf - Protocol Officer III
6. Mr. John Chege - SAA III

MIN/SEN/SCLSW/409/2023: PRAYERS

The Chairperson called the meeting to order at 2.30 pm followed with a word of prayer. He thereafter requested the participants to make a round of introductions.

MIN/SEN/SCLSW/410/2023: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Stewart Madzayo, MP and seconded by Sen. Mohamed Faki Mwinyihaji, MP as follows –

1. Prayers & Introductions;
2. Adoption of the Agenda;
3. Meeting with the Cabinet Secretary, Ministry of Youth Affairs, Sports and The Arts to deliberate on the Petition concerning the mismanagement of football in the country by the Football Kenya Federation;
4. Any Other Business; and
5. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/411/2023

MEETING WITH THE CABINET SECRETARY, MINISTRY OF YOUTH AFFAIRS, SPORTS AND THE ARTS TO DELIBERATE ON THE PETITION CONCERNING THE MISMANAGEMENT OF FOOTBALL IN THE COUNTRY BY THE FOOTBALL KENYA FEDERATION

a) **Remarks by the Chairperson, Standing Committee on Labour and Social Welfare**

The Chairperson welcomed the participants and invited the lead petitioner to brief the Committee on the pertinent issues raised in the Petition and thereafter the Cabinet Secretary to make his submissions.

b) **Submissions by the Petitioner**

The Petitioner informed the Committee the following-

1. THAT we are registered as county sports associations in line with the provisions of the Sports Act. 2013.

2. THAT the Football Kenya Federation (hereinafter referred to as "FKF") is yet to comply with legal requirements for registration as a national sports organization.
3. THAT since its registration as a national sports organization in 2018, FKF has never held elections as required under the Sports Act.
4. THAT FKF and county governments are yet to recognize county football associations that are duly registered under the Sports Act, 2013.
5. THAT the then Cabinet Secretary for Sports, Culture and Heritage removed the FKF National Executive Committee from office and replaced with it a caretaker committee in November, 2021 due to contravention of Sports Act, 2013.
6. THAT the FKF, its President and chief executive officer appealed the removal of FKF national executive committee to the High Court in Petition No. E473 of 2021. The High Court however, upheld their removal in its judgment delivered on 10th May, 2022.
7. THAT the current Cabinet Secretary for Sports, Culture and Heritage reinstated the suspended FKF and its national executive committee unprocedurally.
8. THAT the county football associations challenged the reinstatement of FKF national executive committee in the Sports Disputes Tribunal. That the Sports Disputes Tribunal ruled that the reinstated FKF national executive committee was illegally in office and ordered the Cabinet Secretary for Sports, Culture and Heritage to constitute a caretaker committee for FKF until the election of a new FKF executive Committee.
9. THAT the Cabinet Secretary for Sports, Culture and Heritage has continued to act in violation of the High Court and Sports Disputes Tribunal judgment and ruling respectively.
10. THAT the Cabinet Secretary for Sports, Culture and Heritage has also declined to facilitate the office of the Sports Registrar to conduct county football associations elections.
11. THAT county sports associations are yet to benefit from the Sports, Arts and Social Development Fund established under the Public Finance Managements (Sports, Arts and Social Development Fund) Regulations, 2018.

c) Submissions by the Cabinet Secretary, Ministry of Youth Affairs, the Arts and Sports

The Cabinet Secretary informed the Committee the following-

1. That the government does not run sports in the country instead it regulates and facilitates;
2. That upon taking office, the top priority of the government was to resolve the crisis, and was able to successfully arranged a face to face meeting with the FIFA president and after the meeting, the suspension of Kenya by FIFA was lifted in November, 2022;

3. That in January 2023, a FIFA inspection team visited Kenya to assess the state of football in the country. As part of their visit, FIFA held a meeting with the Cabinet Secretary to discuss the state of football, after which FIFA requested for a report, which was sent;
4. That the Football Federation Kenya is yet to comply with the legal requirements for registration as a National Sports Organization;
5. That since its registration as a National Sports Organization in 2018, FKF never held elections as required under the Sports Act;
6. That FKF and County Governments are yet to recognize county football associations that are duly registered under the Sports Act, 2013;
7. That the then Cabinet Secretary for Sports, Culture and Heritage removed the FKF National Executive Committee in November, 2021 due to contravention of Sports Act, 2013;
8. That the FKF, its president and Chief Executive Officer appealed the removal of FKF National Executive Committee to the High Court in Petition No.E473 of 2021. The High Court however, upheld their removal in its judgment delivered on 10th May, 2022;
9. That the then Cabinet Secretary for Sports, Culture and Heritage reinstated the suspended FKF and its national executive Committee unprocedurally;
10. That the reinstatement of FKF and its national executive committee was done after consultation with FIFA, FKF and other stakeholders as compliance with FIFA conditions were necessary for Kenya's readmission in international football;
11. That the current FKF national executive committee members term will soon come to an end by the end of February, 2024 where upon fresh elections shall be held and new officials elected;
12. That the federations should own up to its mistakes and not place all the blames to the Ministry, therefore the Committee should hold the federations into account;
13. That the Ministry held *hongera* awards where it honoured sixty-nine football legends and was keen on bringing them on board as they were valuable stakeholders;

d) Deliberations by the Committee

The Committee noted that-

1. The ratification of the recommendations by FIFA was done by the big teams in Nairobi ignoring the county and sub county levels.
2. That the County Football Association was not functional.

3. The office of the sports register was not devolved thus locking out many teams that were not in a position to access the Nairobi office

e) Resolutions

Upon deliberations, the Committee resolved to invite the Cabinet Secretary National Treasury and Economic Planning and the Football Kenya Federation.

MIN/SEN/SCLSW/412/2023 ANY OTHER BUSINESS

There was no other business.

MIN/SEN/SCLSW/413/2023 ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 17.01 pm, the date of the next meeting was scheduled for 12th September, 2023 at 11:00am.

SIGNED..... *ASQC* DATE *Thursday, 21st September, 2023*

for: **CHAIRPERSON: SEN JULIUS MURGOR RECHA, MP**
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE 59TH MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON TUESDAY, 4TH JULY, 2023 AT 10.00 AM ON THE ZOOM ONLINE PLATFORM

MEMBERS PRESENT

- | | |
|---|----------------------------|
| 1. Sen. Gloria Orwoba, MP | - Member (Ag. Chairperson) |
| 2. Sen. George Mungai Mbugua, MP | - Vice-Chairperson |
| 3. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP | - Member |
| 4. Sen. Mohamed Faki Mwinyihaji, MP | - Member |
| 5. Sen. Alexander Munyi Mundigi, MP | - Member |
| 6. Sen. Miraj Abdulahi Abdulrahman, MP | - Member |
| 7. Sen. Crystal Kegechi Asige, MP | - Member |

APOLOGIES

- | | |
|--------------------------------------|---------------|
| 1. Sen. Julius Murgor Recha, MP | - Chairperson |
| 2. Sen. Erick Okong'o Mogeni, SC, MP | - Member |

SECRETARIAT

- | | |
|------------------------|-------------------------------|
| 1. Ms. Getrude Nthiiri | - First Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel I |
| 3. Ms. Sande Marale | - Principal Research Officer |
| 4. Ms. Lilian Onyari | - Fiscal Analyst |
| 5. Mr. Rhyan Injendi | - Research Officer III |
| 6. Ms. Felistas Mutunc | - Media Relations Officer III |
| 7. Mr. Joseph Otieno | - Audio Officer |
| 8. Ms. Swaluha Yusuf | - Protocol Officer III |
| 9. Mr. Onganyi Elphas | - Attachee |

MIN/SEN/SCLSW/283/2023: PRAYERS AND INTRODUCTIONS

The Ag. Chairperson called the meeting to order at 10.24 am followed with a word of prayer.

MIN/SEN/SCLSW/284/2023: ADOPTION OF AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Miraj Abdulahi Abdulrahman, MP and seconded by Sen. Alexander Munyi Mundigi, MP as follows;

1. Prayers and Introduction;
2. Adoption of the Agenda;
3. Briefing on the petition concerning the mismanagement of football in the country by football Kenya federation;
4. Any Other Business; and
5. AOB, Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/285/2023 BRIEFING ON THE PETITION CONCERNING THE MISMANAGEMENT OF FOOTBALL IN THE COUNTRY BY FOOTBALL KENYA FEDERATION

The Committee was taken through Committee Paper No. 22 on the Petition concerning the mismanagement of football in the country by Football Kenya Federation (FKF).

The Committee noted that -

- 1) The Petition addressed matters of football only yet other sports were facing similar challenges.
- 2) It was important to invite the Cabinet Secretary responsible for sports and the leadership of Football Federation of Kenya (FKF) to deliberate on the status of football development in the country.

After deliberations the Committee resolved to –

1. Invite the petitioners to shed more light on the Petition;
2. Invite the Cabinet Secretary responsible for Sports to brief the Committee on the status of football development in the country;
3. Invite the Cabinet Secretary responsible for matters relating to finance to inform the Committee on the operations of the Sports, Arts and Social Development Fund;
4. Invite Sports Kenya and the Kenya Academy of Sports to brief the Committee on the status of sports in the country with particular emphasis on football;
5. Initiate the review of Sports Act with all stakeholders to address the challenges facing sports in the country since sports is a function of both levels governments under the Fourth Schedule of the Constitution; and
6. Recommend the overhaul of the Sports, Arts and Social Development Fund to cater for sports and arts only.
7. Invite the sports registrar to appear before the committee to respond to the matters raised in the Petition

MIN/SEN/SCLSW/286/2023 ANY OTHER BUSINESS

1. The meeting noted that there were allegations that the Committee had received a bribe when considering the Petition concerning the alleged fraud by the First Choice Recruitment and Consultancy agency limited. The Committee resolved that the matter be addressed in the next meeting; and
2. The Committee resolved to expedite conclusion of the Petition concerning alleged fraud by the First Choice Consultancy and Recruitment Agency Ltd. as it was way past the timelines provided in the Standing Orders.

MIN/SEN/SCLSW/287/2023 ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business the meeting was adjourned at 11.06 am. The next meeting will be on notice.

SIGNED..........DATE Monday, 10th July, 2023.....

CHAIRPERSON: SEN JULIUS MURGOR RECHIA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE



MINUTES OF THE FIFTIETH (50TH) MEETING OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON THURSDAY, 25TH MAY, 2023 AT 11.00 AM IN COMMITTEE ROOM 5, PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Sen. (Rtd.) Justice Stewart Madzayo, CBS, MP - Member (Ag. Chair)
2. Sen. George Mungai Mbugua, MP - Vice-Chairperson
3. Sen. Mohamed Faki Mwinyihaji, MP - Member

APOLOGIES

1. Sen. Julius Murgor Recha, MP - Chairperson
2. Sen. Erick Okong'o Mogeni, SC, MP - Member
3. Sen. Alexander Munyi Mundigi, MP - Member
4. Sen. Miraj Abdulahi Abdulrahman, MP - Member
5. Sen. Crystal Kegehi Asige, MP - Member
6. Sen. Gloria Orwoba, MP - Member

SECRETARIAT

1. Ms. Getrude Nthiiri - First Clerk Assistant
2. Mr. Jeremy Chabari - Legal Counsel I
3. Mr. Rhyan Injendi - Research Officer III
4. Ms. Felistas Mutune - Media Relations Officer III
5. Mr. Joseph Otieno - Audio Officer
6. Ms. Swaluha Yusuf - Protocol Officer III
7. Mr. John Chege - SAA III

IN ATTENDANCE

1. Hon. Jennifer Malanda, MP - Women Representative, Vihiga County
2. Mr. Charles Njoroge - Chairman, Nairobi County Football Association
3. Mr. Wilfred Marori - Secretary, Nairobi County Football Association
4. Mr. James Langat - Chairman, Nandi County Football Association
5. Mr. Daniel Kahiga - Chairman, Murang'a County Football Association
6. Ms. Virginia Mueni - Chairlady, Machakos County Football Association
7. Mr. Lisero Peter - Secretary, Western County Football Association
8. Mr. Joseph Kiptai - Chairman, County Football Association
9. Mr. Noordinne Taibkooor - Advisor, County Football Association

MIN/SEN/SCLSW/236/2023: PRAYERS AND INTRODUCTIONS

The Ag. Chairperson called the meeting to order at 11.29 am followed with a word of prayer. He further requested the participants to make a round of introductions.

MIN/SEN/SCLSW/237/2023: ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted having been proposed by Sen. Mohamed Faki Mwinyihaji, MP and seconded by Sen. George Mbugua, MP as follows-

1. Prayers and Introduction;
2. Adoption of the Agenda;
3. Meeting with Nairobi County Football Association;
4. Any Other Business;
5. AOB; and
6. Adjournment/Date of the Next Meeting.

MIN/SEN/SCLSW/238/2023 MEETING WITH NAIROBI FOOTBALL ASSOCIATION

1. The Association presented as follows, THAT-
 - a) The County Sports Association is provided for in the Sports Regulations, 2016, which means a branch of a national sports body whose area of operation is within a county, or a sport organization whose reach is only in a county;
 - b) The Football Kenya Federation (FKF) is the governing body of football in Kenya. The FKF organizes the Kenyan Premier League, the Kenyan Women's Premier League, FKF Division One, FKF Women Division One and Kenya national football teams;
 - c) the FKF elections were annulled twice by the Sports Dispute Tribunal due to lack of public participation and eligibility criteria however, during the third attempt office holders were brought in the office without following the due process;
 - d) the Tribunal ruled that in accordance with the FKF constitution 2017, "sub branches" which were to be understood as the 47 counties were to transition to branches upon completion of 2019 elections;
 - e) only ten (10) counties participated in the FKF elections meaning the FKF elections did not follow the constitution;
 - f) the FKF did not do transition as an existing national football organization under the Societies Act and in accordance with Article 49 of the Sports Act, instead they opted to register it afresh under Article 27 of the Sports Act;
 - g) The Football Kenya Federation failed to comply with provisions of the Sports Registrar Regulations Act;
 - h) the FKF failed to comply with the Sports Act provisions and terms and conditions which were given and highlighted in the certificate of registration;
 - i) FKF branches at the county level are not registered and are operating illegally;

- j) there have been a lot of irregularities in the Ministry of Youth Affairs, the Arts and Sports with regards to matters football; and
- k) the FKF was disbanded by the High Court ruling No. E473 of 2012 and the Sport Disputes Tribunal rulings no 36, 38 and 39.

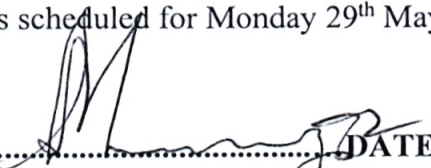
The Committee noted the concerns of the Association and resolved that the matter would be better handled as a petition. The Association was requested to formally present a petition to the Senate for consideration by the Committee.

MIN/SEN/SCLSW/239/2023 **AOB**

There was no other business.

MIN/SEN/SCLSW/240/2023 **ADJOURNMENT AND DATE OF THE NEXT MEETING**

There being no other business the meeting was adjourned at 13:23 pm. The date of the next meeting was scheduled for Monday 29th May, 2023 at 2.30 pm.

SIGNED.......... DATE 1st SEPTEMBER, 2023.....
CHAIRPERSON: SEN. JULIUS MURGOR RECHA, MP
STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE