

REPUBLIC OF KENYA
IN THE SPORTS DISPUTES TRIBUNAL AT NAIROBI
SDTSC NO. OF 2026

BRIAN NGULA.....CLAIMANT
VERSUS
FOOTBALL KENYA FEDERATION.....1ST RESPONDENT
MINISTRY OF YOUTH AFFAIRS,
CREATIVE ECONOMY AND SPORTS.....2ND RESPONDENT

STATEMENT OF CLAIM

A. THE PARTIES

1. The Claimant is an adult Kenyan citizen and a passionate follower and supporter of football in Kenya and brings these proceedings in the public interest as a football stakeholder concerned with the proper administration, governance, management and welfare of the Kenya National Football Team, Harambee Stars. The Claimant's address for service for purposes of these proceedings is care of his Advocates on record.
2. The 1st Respondent, Football Kenya Federation ("FKF"), is the national governing body responsible for the administration and development of football in Kenya and is responsible for, inter alia, the organisation and management of Kenya's national football teams.
3. The 2nd Respondent is the Ministry of Youth Affairs, Creative Economy and Sports, being the Government Ministry responsible for sports matters in Kenya and the State Department for Sports.

B. JURISDICTION

4. The Claimant invokes the jurisdiction of this Honourable Tribunal pursuant to section 58(b) of the Sports Act, No. 25 of 2013 and the Sports Disputes Tribunal Rules, 2022.

5. The 1st Respondent is a national sports organisation registered under the Sports Act. The Second Schedule to the Sports Act requires the constitution of a sports organisation to provide for subscription to Court of Arbitration for Sport policies and rules conforming with the Sports Disputes Tribunal policy and rules for sports disputes resolution. The 1st Respondent's Constitution is deemed to comply with such prescription and to therefore recognise the jurisdiction of this Honourable Tribunal, and to have agreed to the reference to it of disputes concerning the governance and administration of football in Kenya, for purposes of section 58(b) of the Sports Act.
6. The Claimant, not being a member of the 1st Respondent, has no access to the internal dispute resolution mechanisms under the 1st Respondent's Constitution, and there is no internal remedy available to him to exhaust before invoking the jurisdiction of this Honourable Tribunal.
7. The present dispute concerns the governance, administration, management and welfare of Kenya's senior national football team and is, accordingly, a sports-related dispute within the meaning of section 58(b) of the Sports Act, and raises issues of significant public interest concerning the proper administration of sports in Kenya.

C. FACTS

8. Harambee Stars is the senior men's national football team of the Republic of Kenya and represents the country in international football competitions and fixtures.
9. The proper preparation, administration, management and welfare of Harambee Stars is therefore a matter of significant public interest.
10. The 1st Respondent has responsibility for the administration and development of football in Kenya and plays a central role in the selection, preparation, management and deployment of the national football team.

11. The 2nd Respondent, through the State Department for Sports, is responsible for Government sports matters and has been involved in the funding and facilitation of national-team activities.
12. The Claimant's concern is that the Respondents have failed and/or neglected to ensure that the national team is administered in a lawful, transparent, accountable and welfare-conscious manner.
13. In or about March 2025, the 1st Respondent engaged South African national Benni McCarthy as the Head Coach of Harambee Stars.
14. The 1st Respondent has also engaged and/or deployed other foreign technical personnel to serve in the Harambee Stars technical team.
15. On or about 23rd September 2026, Coach Benni McCarthy publicly raised concerns regarding his work permit status and that of members of his foreign technical team.
16. Coach McCarthy stated that he and members of his technical team had worked with Harambee Stars for approximately one and a half years without obtaining the requisite work permits and/or documentation.
17. Coach McCarthy further stated that the absence of the requisite documentation had resulted in him leaving Kenya after national-team assignments and returning when subsequent camps commenced.
18. The 1st Respondent subsequently issued a public statement acknowledging concerns surrounding the work permits of Coach Benni McCarthy and some members of his technical team.
19. The 1st Respondent confirmed that it was working with the relevant Government agencies on the processing of the required documentation and that the process remained ongoing.
20. The 1st Respondent further acknowledged that the technical team's responsibilities extend beyond national-team camps and include monitoring the domestic game and players across the country.

21. The Claimant avers that the foregoing circumstances demonstrate that foreign technical personnel engaged by the 1st Respondent have continued to perform functions in Kenya while their work authorisation remains unresolved.
22. The Claimant further avers that the continued unresolved status of the work authorisation of foreign technical personnel is inconsistent with transparent and proper governance of the national team.
23. Members of Harambee Stars have in recent days raised concerns regarding outstanding allowances and payments arising from previous national-team camps and assignments.
24. On or about 22nd September 2026, members of Harambee Stars reportedly declined to train after reporting to camp ahead of the 2027 Africa Cup of Nations qualifying fixture against Eritrea.
25. The reported action arose from concerns over outstanding allowances and other welfare-related matters affecting the players.
26. Coach Benni McCarthy has publicly stated that some players had attended four or five national-team camps without receiving the allowances they had been promised.
27. The 1st Respondent has acknowledged that there are outstanding payments relating to national-team preparations and allowances which remain at different stages of processing.
28. The 1st Respondent has further stated that it remains in communication with the 2nd Respondent and relevant Government offices concerning the outstanding payments.
29. The Claimant avers that the failure to ensure timely payment of lawful national-team allowances has adversely affected the welfare and morale of members of Harambee Stars and has interfered with the proper preparation of the national team.

30. The Claimant further avers that there ought to be a transparent and accountable mechanism through which national-team allowances are budgeted, approved, processed, communicated and paid.
31. The Claimant avers that the proper administration of Harambee Stars requires transparent, accountable and properly documented systems concerning the use and disbursement of public and/or football funds intended for the national team.
32. The Claimant avers that the circumstances surrounding the outstanding player allowances demonstrate the need for greater transparency regarding the receipt, allocation, utilisation and disbursement of funds intended for the preparation and welfare of Harambee Stars.
33. The Claimant further avers that members of the national team ought to receive timely and clear information concerning allowances and other financial obligations arising from their national-team assignments.
34. The matters complained of arise at a critical time for Harambee Stars. Kenya is scheduled to play Eritrea on 26th September 2026 at Nyayo National Stadium in a 2027 Africa Cup of Nations qualifying fixture. Kenya is thereafter scheduled to play Guinea in Conakry on 1st October 2026.
35. The unresolved work permit position and outstanding player allowances have arisen immediately before these international fixtures.
36. The reported disruption of training demonstrates that the matters complained of are no longer merely administrative concerns but have a direct impact on the preparation and functioning of the national team.
37. The Claimant contends that the Respondents have failed and/or neglected to properly discharge their respective obligations in relation to the administration, governance and welfare of Harambee Stars in the following respects:

- i. Failing to ensure that foreign technical personnel engaged and/or deployed by the 1st Respondent possess the requisite work permits, passes and/or lawful work authorisation.
- ii. Allowing the work authorisation of foreign technical personnel to remain unresolved for an extended period.
- iii. Failing to ensure the timely processing and settlement of lawful allowances due to members of Harambee Stars.
- iv. Allowing outstanding national-team allowances to accumulate across successive camps and assignments.
- v. Failing to provide adequate transparency concerning the status of outstanding national-team payments.
- vi. Failing to maintain a sufficiently transparent and accountable system for the allocation and disbursement of funds intended for Harambee Stars.
- vii. Failing to adequately safeguard the welfare of players and technical personnel serving the national team.
- viii. Failing to ensure that Harambee Stars is administered in accordance with applicable laws and principles of proper sports governance.

REASONS WHEREFORE, the Claimant prays that this Honourable Tribunal be pleased to grant the following orders:

- a. A **DECLARATION** that the Respondents have a duty to take all necessary steps within their respective mandates to procure and secure the requisite work permits, passes and/or lawful work authorisation for foreign technical personnel engaged and/or deployed in the service of Harambee Stars.
- b. A **DECLARATION** that the Respondents have a duty to ensure the timely and proper payment of lawful allowances and other sums due to members of Harambee Stars arising from national-team camps, assignments and fixtures.

- c. A **DECLARATION** that the administration and management of Harambee Stars by the Respondents is subject to principles of transparency, accountability and proper sports governance.
- d. A **DECLARATION** that the Respondents have a duty to maintain transparent and accountable systems for the receipt, allocation, utilisation and disbursement of funds intended for the preparation, participation and welfare of Harambee Stars.
- e. An **ORDER** directing the Respondents to take all necessary steps within their respective mandates to procure and secure the issuance of the requisite work permits, passes and/or lawful work authorisation for Coach Benni McCarthy and all foreign technical personnel engaged and/or deployed in the service of Harambee Stars.
- f. An **ORDER** directing the Respondents to file and furnish the Tribunal with a comprehensive schedule identifying all foreign technical personnel engaged and/or deployed in the service of Harambee Stars and the status of their respective work permits, passes and/or work authorisation.
- g. An **ORDER** directing the Respondents to file and furnish the Tribunal with a verified schedule of all outstanding allowances and payments due to members of Harambee Stars, together with a timetable for their settlement, within such period as the Tribunal may prescribe.
- h. An **ORDER** directing the Respondents to provide timely and transparent information to members of Harambee Stars concerning allowances and other financial obligations arising from their national-team assignments.
- i. Such further and/or other orders as this Honourable Tribunal may deem fit and just in the circumstances.
- j. Costs of the Claim.

DATED at **NAIROBI** this 24th day of September 2026.



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