



To Members of the EFA

Circular No. 164

Mbabane, 10th June 2021

EFA Elections 2021 – EFA Elections Guidelines and Presidential Campaign

Presidential Candidates Campaign

At the instruction of the EFA Ethics Committee, pursuant to their Press Conference hosted on the 9th June 2021, all EFA Members, as represented by their delegates in terms of the EFA Statutes are hereby informed and invited to a Presidential Candidates' Campaign to be implemented at the Sigwaca House Conference Hall in Mbabane on Saturday, 12th June 2021 starting at 1000hrs (10:00am).

See details on the attached Press Release of the 9th June 2021 by the Ethics Committee.

Guidelines regulating elections

In the light of the responsibilities oversee, supervise and monitor the Electoral Process for the EFA Elections 2021 and the 2021 elections of EFA Members, the Ethics Committee has established some guidelines to regulate the elections.

These guidelines are obligatory to all persons bound by the guidelines.

Please find attached the EFA Ethics Committee Press Release of the 9th June 2021 and the EFA Guidelines regulating the Elections which direction on the discharge of the elections.

Yours in Football,

Eswatini Football Association
Plot 582, Sigwaca House, Tsekwane Road, Mbabane Industrial Sites. P. O. Box 641, Mbabane, H100


Frederick Mngomezulu
Chief Executive Officer

Copy to:

- EFA Ethics Committee
- EFA Appeals committee

ETHICS COMMITTEE PRESS CONFERENCE

Introductions

It is common course that the Ethics Committee was appointed per Article 64 of the EFA Statutes, read together with the EFA Electoral Code of 2021, amongst other things, to oversee the 2021 EFA Elections of the Executive Committee at its Elective Ordinary General Assembly.

Accordingly, the Committee takes this opportunity to formally introduce itself and to officially outline the task ahead leading towards the General Assembly, to all football stakeholders; EFA, Association Members, Nominees, the Media and the Public at large.

Composition of the Ethics Committee and General Duties

From the onset, it is worth noting that per Article 64 of the EFA, the Ethics Committee generally consists of both the Investigatory and Adjudicatory Chambers; however, for our purposes today, reference to ‘the Committee’ shall mean the Committee responsible for the elections as per Article 4 of the Electoral Code, with its General duties, to mention but a few, being;

- a) To supervise and ensure the smooth running of the electoral process in accordance with the relevant provisions of the Statutes of the EFA and the Electoral Code
- b) Strictly enforcing the statutory deadlines for elections;
- c) Providing information to the Members as well as to relevant authorities (where necessary), the media and the public.

Commitment

In doing so, the committee shall endeavor, without exception, to observe general good governance principles, such as the separation of powers, independence, transparency, and the obligation to avoid situations of conflicts of interest throughout the entire electoral process.

Timelines / Stages of the Election Process

1. **Nomination process** – It is common course that the Electoral process started off by submission of the list of nominees by the Member Associations – which was concluded on the 27th May 2021.

2. **Eligibility Checks** – the next stage embarked on was the Eligibility Check of all nominated Candidates per Article 7 and 8 of the Electoral Code of 2021 – a process which was completed last Saturday the 05th June 2021.
3. **Official announcement of Nominees** – the next item per Article 10 is the due Publication of the nominees who have been confirmed as having passed the eligibility process / criteria for the respective positions nominated for as per the relevant EFA Statutes. On that vein, the Committee is happy to announce that all nominees have been checked and found to have passed the necessary requirements, in particular, the EFA Statute Art. 35 (6) a-f); Art. 35 (7), (9); Art. 40(2) and Art. 41(5), and thus eligible to stand for elections. We also thank the nominees for their cooperation in this regard.
4. **List of Nominees** – the Committee further takes this opportunity to announce the positions contested for and respective nominees as thus;

Positions		
President (1)	Vice President (2)	Executive (2)
Mashumi Shongwe	Sikhumbuzo Dlamini	Sipho Kunene
Comfort Shongwe	Peter Magagula	Sicelo Nene
Peter Simelane	Johannes Sobozza	Sikhumbuzo Dlamini
	Steve Horton	Thulani Mavuso
	Mashumi Shongwe	
	Zakhele Dlamini	
	Comfort Shongwe	
	Ace Mashwama (Withdrew)	

5. **Campaign Process** – now that the above process has been completed, we move on to the campaign stage. The Committee herewith notifies the public and nominees that for this years’ elective general Assembly, nominees specifically and only for the position of President will be allowed to campaign. The Committee appreciates that this is unprecedented and an un-ventured territory in the history of our football; however, the decision to allow same was taken after robust discussions surrounding the advantages for allowing same vis – a – vis the cons

associated. For guidance, it was noted that FIFA does allow for campaigns for the position of president at their congress by affording the candidates a few minutes before the start of the voting. The consensus therefore has been that we cannot be left behind, more so because *de facto* we all appreciate that this practice has long been done albeit behind the scenes. The committee has been called to ensure an electoral process that is open and transparent, a position which has persuaded the conclusion to allow a ‘structured’ campaign.

6. **The campaign program** – the Committee shall convene a one (01) day Press Conference specifically for campaign whereat all Presidential nominees shall be afforded a certain amount of time to tell the world what they will do for football under the positions nominated for. Such an exercise shall be covered by the media; and the media will be afforded time to ask each nominee some questions. Full details of the campaign program is stated hereunder;

Day	Time	Position	Period
Saturday 12 June 2021	10am – 12pm	President	20 minutes (10 min for speech + 10 min for questions)

7. The Committee hereby notifies nominees that other than through the above format, any other form of campaigns (for all positions) is strictly prohibited, whether those acts are done directly by the nominees or indirectly by their purported agents.

8. Right to submit complaints – Art. 58 of the FIFA Code of Ethics

- a) With respect to the filing of complaints, which is a matter not specifically provided for under the Electoral Code or EFA Statutes, the Committee has resorted to use the FIFA Code of Ethics Article 58 which provides that ‘Any person may file a complaint regarding potential breaches of the Electoral Code with the secretariat of the investigatory chamber. Complaints must be submitted in writing, including available evidence’.
- b) Having said that, the Committee is aware of the ‘murmurs’ about purported acts of bribery and corruption associated with the elections; and thus calls upon any person with available evidence to formally lodge their complaint in particular now that the names of nominees has officially been made public.
- c) To that end, the public should be made aware that per Article 58 above, there is no entitlement for proceedings to be opened following the submission of a complaint; and that;

- d) In order to protect the interests of all parties in particular that of nominees, any person who lodges a complaint against a person whom he knows to be innocent or in any other way takes malicious steps related to the initiation of proceedings shall be sanctioned appropriately.
9. **Elections** – the last stage will be the elections during the EFA General Assembly scheduled for the 27th June 2021 at a venue still to be announced.
10. On that note, the Committee wishes to assure the public of its commitment to hold a free and fair election which promotes principles of transparency without any conflict of interest.

Prohibited Acts

11. On that note, in an endeavor to ensure a free and fair election, the Committee has developed guidelines regulating the elections, see attachment; listed hereunder is a highlight of a few pertinent points, *viz*;

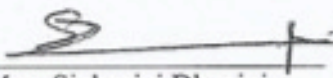
Persons to whom the guidelines apply;

- a) Shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage in order to obtain or retain an improper advantage to or from anyone within or outside the election. Such acts are prohibited regardless of whether carried out directly or indirectly through, or in conjunction with, third parties.
- b) In particular, persons shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and is contrary to their duties or falls within their discretion.
- c) Shall refrain from soliciting votes or undertaking any propaganda for or against any candidate.
- d) Shall refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracise or harm the dignity of a person as a means of gaining undue advantage over that person.
12. The Committee thus reiterates the call for;

- a) Fair play which shall be observed as a guiding principle at all times in all our actions and decisions.
- b) Persons are called to act always in the best interests of the Football Association and its objectives.
- c) General good governance principles, such as transparency and the obligation to avoid situations of conflicts of interest shall be observed without exception throughout the entire electoral process.
- d) Rejection and condemnation of all forms of bribery and corruption.

Lastly, may I humbly take this opportunity to thank you all for attending this very important exercise.

All in Sports



Mag. Siphosini Dlamini
Chairperson
Ethics Committee



Eswatini Football Association

Guidelines Regulating Elections

June, 2021

Article 1 Scope of applicability

These guidelines are applicable to (all officials, agents and intermediaries) the elections of the members of the Executive Committee of EFA and the Executive Committees of the EFA Member Associations and leagues for 2021.

The Guidelines shall apply to any conduct, including those specifically provided by other regulations, that damages the integrity and reputation of football and in particular to illegal, immoral and unethical behavior.

Article 2 Principles and obligations

The Ethics Committee is entitled to investigate and determine the conduct of persons who are bound by this or another applicable Code at the time the relevant conduct occurred, regardless of whether the person remains bound by the guidelines at the time proceedings commence or any time thereafter.

Article 3 General Obligations

- Every person and organization involved in the game of football is obliged to observe the Statutes, regulations and the principles of fair play as well as the principles of loyalty, integrity and sportsmanship.
- To comply fully at all times with the statutes, regulations, directives and decisions of FIFA, CAF, COSAFA, and the EFA.
- Any dispute requiring arbitration involving parties relating to the Statutes, Regulations, Directives and Decisions of FIFA, CAF, COSAFA, EFA shall be presided solely under the jurisdiction of the appropriate Arbitration tribunal of FIFA, CAF, COSAFA or EFA and that any re-course to ordinary courts is prohibited.
- To observe the principles of loyalty, integrity and good sporting behavior as an expression of fair play through the statutory provision.

Article 4 General duties

Persons bound by these Guidelines shall;

- a) Appreciate the impact their conduct may have on EFA, CAF, FIFA's reputation, and shall therefore behave in a dignified and ethical manner and act with complete credibility and integrity at all times.
- b) Refrain from any activity or behaviour or any attempted activity or behaviour that might give rise to the appearance or suspicion of improper conduct.
- c) Duty to report – Persons who become aware of any infringements of these Guidelines shall inform, in writing including available evidence, the secretariat and/or chairperson of the Ethics Committee directly of any suspected wrong-doing.
- d) Duty to cooperate – Persons bound by these Guidelines shall assist and cooperate truthfully, fully and in good faith with the Ethics Committee at all times, regardless of whether they are involved in a particular matter as a party, as a witness, or in any other role. This requires, inter alia, full compliance with Ethics Committee requests, including without limitation, requests to clarify facts; provide oral or written testimony; submit information, documents or other material; and disclose details regarding income and finances, if the Ethics Committee deems it to be necessary.
- e) Persons bound by these Guidelines who are required to cooperate with the Ethics Committee in a specific case, regardless of whether they are involved as a party, as a witness, or in any other role, shall treat the information provided and their involvement strictly confidentially, unless otherwise instructed by the Ethics Committee.
- f) Shall not take any action actually or apparently intended to obstruct, evade, prevent, or otherwise interfere with any actual or potential Ethics Committee proceedings.
- g) In connection with any actual or potential Ethics Committee proceedings, persons bound by these Guidelines shall not conceal any material fact; make any materially false or misleading statement or representation; or submit any incomplete, materially false or misleading information, complaint or other material.
- h) Shall not harass, intimidate, threaten or retaliate against someone for any reason related to that person's actual, potential or perceived assistance to or cooperation with the Ethics Committee.

Article 5 Specific Prohibitions

Persons bound by these guidelines;

Gifts and other benefits

- a) Shall not offer and/or accept any gifts, benefits or exchange of money as a way of influencing persons bound by these Guidelines to execute or omit an act, i.e. vote on their favour or not to vote in the favour of some other nominated individual.
- b) In the period leading to and in connection with the elections and after, Persons bound by these Guidelines may not offer or accept gifts or other benefits to and from persons, or in conjunction with intermediaries or related parties even where such gifts or benefits may seem symbolic or of trivial value.
- c) Shall not offer and/or accept any gifts, benefits or exchange of money as a way of influencing persons bound by these Guidelines to execute or omit an act that is related to their official activities or falls within their discretion.
- d) Shall not accept, give, offer, promise, receive, request or solicit from anyone within or outside EFA, or in conjunction with intermediaries or related parties, cash in any amount or form; or any undue pecuniary or other advantage as that may amount to unethical conduct.
- e) Shall not accept, give, offer, promise, receive, request or solicit commission for themselves or third parties or on behalf of any nominated individual in the advancement of their own interests or otherwise in connection with their duties.

Discrimination and defamation

- f) In connection with the elections, persons bound by these Guidelines shall not offend the dignity or integrity of any person or group of people through contemptuous, discriminatory or derogatory words or actions on account of race, skin colour, ethnicity, nationality, social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.

- g) Shall not and are forbidden from making any public statements of a defamatory nature towards any other person for any other reason including but not limited to or in connection to the elections as a means of discrediting the other party.

Protection of physical and mental integrity

Persons bound by these Guidelines;

- h) Shall protect, respect and safeguard the integrity and personal dignity of others.
- i) Shall not use offensive gestures and language in order to insult someone in any way or to incite others to hatred or violence.
- j) Shall refrain from all forms of physical or mental abuse, all forms of harassment, and all other hostile acts intended to isolate, ostracize or harm the dignity of a person.
- k) Threats, the promise of advantages, coercion and all forms of sexual abuse, harassment and exploitation are particularly prohibited.

Forgery and falsification

- l) Persons bound by these Guidelines are forbidden from forging a document, falsifying an authentic document or using a forged or falsified document as a means of advancing their or the interests of other parties.

Abuse of position

- m) Persons bound by these Guidelines shall not abuse their position in any way, especially to take advantage of their position for private aims or for the gains of another.

Bribery and corruption

- n) Shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage in order to obtain or retain an improper advantage to or from anyone within or outside the election. Such acts are prohibited regardless of whether carried out directly or indirectly through, or in conjunction with, third parties.

- o) In particular, persons shall not accept, give, offer, promise, receive, request or solicit any personal or undue pecuniary or other advantage for the execution or omission of an act that is related to their official activities and is contrary to their duties or falls within their discretion.
- p) Shall refrain from any activity or behaviour that might give rise to the appearance or suspicion of a breach of this article.
- q) Persons shall refrain from soliciting votes or undertaking any propaganda for or against any candidate.
- r) Any undue influence from third parties in the electoral process shall not be permitted

Article 6 Good Principles

All parties shall at all times comply with the following principles:

Integrity and ethical behaviour

- a) All persons shall behave ethically and act with integrity in all situations, keeping in mind that a reputation for integrity is of the utmost importance to EFA and its objectives.

Respect and dignity

- b) To treat everyone with respect, and protect the personal dignity, privacy and personal rights of every human being.

Fair play

- c) Fair play shall be observed as a guiding principle at all times in all our actions and decisions.

Avoidance of conflicts of interest

- d) Persons are called to act always in the best interests of the Football Association and its objectives. It is the personal responsibility of each person / member of the EFA to avoid any conflict of interest.

- e) General good governance principles, such as transparency and the obligation to avoid situations of conflicts of interest shall be observed without exception throughout the entire electoral process.

Zero tolerance of bribery and corruption

- f) The rejection and condemnation of all forms of bribery and corruption.

Article 7 Sanctions

Violation of the above-mentioned guidelines / obligations may lead to the imposition of sanctions as may be provided for in the FIFA, CAF, COSAFA, EFA Statutes and / or regulations including but not limited to possible disqualification from the elections.

Article 8 Structure of campaigns

Campaigns shall be allowed for the position of President; however same shall only be conducted in accordance with the schedule issued by the Ethics Committee, and to that end, any other form of campaigns not sanctioned by the Committee is strictly prohibited.