
CHAMBERS GLOBAL PRACTICE GUIDES

Sports Law 2026

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Kenya: Law and Practice & Trends and Developments

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KENYA



Law and Practice

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TripleOKLaw Advocates is a mid-sized Nairobi-based law practice with a team of 11 partners and 21 associates, offering focused expertise in sports law, doping matters and related dispute resolution. From its sole office in Nairobi, the firm advises sports clubs, federations, athletes and governing bodies on regulatory compliance, contractual disputes, disciplinary proceedings and sports governance issues, often intersecting with arbitration and public law. The team is currently acting for KCB Sports Club in an ongoing claim involving an alleged breach of

contract. It successfully represented Tusker FC in a contractual dispute, securing dismissal of the claim on a preliminary objection grounded on subject matter and pecuniary jurisdiction. The firm also acted for the Equestrian Federation of Kenya in proceedings concerning registration and governance issues, obtaining dismissal on jurisdictional and statutory grounds, including lack of legal capacity, absence of standing under the Sports Act, and failure to exhaust mandatory dispute resolution mechanisms before the Sports Disputes Tribunal.

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1. Athlete Conduct, Integrity and Enforcement

1.1 Anti-Doping Regimes

Doping as a Criminal Offence

Doping is not a criminal offence. A positive test or other Anti-Doping Rule Violation (ADRV) is ordinarily handled through sanctions like bans or disqualification not as a crime in the ordinary Penal Code sense.

Examples of the Criminal Law Status of Certain Substances

Cocaine (methyl ester of benzoylecgonine)

Cocaine is a stimulant under Kenyan criminal law. It appears in the First Schedule (narcotic drugs) of the Narcotic Drugs and Psychotropic Substances (Control) Act. Possession of cocaine is criminalised under Section 3 of the aforesaid Act (penalties depend on the substance and quantity and include imprisonment and/or fines).

Cannabis

THC (tetrahydrocannabinol) is on the WADA Prohibited List (in-competition). It appears in the first schedule of the Narcotic Drugs and Psychotropic Substances (Control) Act.

Heroin

Many narcotics/opiates are on the WADA Prohibited List (in-competition). In Kenya, heroin and morphine appear in the First Schedule (narcotic drugs) of the Narcotic Drugs and Psychotropic Substances (Control) Act.

Tramadol (useful modern example)

Tramadol is on the WADA Prohibited List (in-competition). In Kenya, tramadol appears in the First Schedule (narcotic drugs) of the Narcotic Drugs and Psychotropic Substances (Control) Act.

National Anti-Doping Organisation

The national anti-doping organisation is the Anti-Doping Agency of Kenya (ADAK). Its mandate is:

- to carry out the fight against doping in sports through anti-doping, values-based education, sensitisation and awareness campaigns;

- to protect clean athletes by carrying out effective doping tests among all Kenyan athletes; and
- to uphold the integrity of sport through intelligence gathering, investigations and results management of anti-doping rules violations.

How the World Anti-Doping Code (WADC) is Implemented in Kenya

The WADC is implemented through the Anti-Doping Act and Regulations. The Anti-Doping Act provides the legal basis for implementation and empowers ADAK to implement the Code whereas the Regulations adopt and operationalise anti-doping rules. When it comes to adjudication, the Sports Disputes Tribunal has jurisdiction over anti-doping matters and is guided by the Code.

Examples of Recent Noteworthy Anti-Doping Cases

In Kenya, individual sports leagues impose punishments for doping offences.

Some noteworthy anti-doping cases include:

- Rhonex Kipruto (athletics) – banned (ABP/blood manipulation);
- Brimin Kipkorir (athletics) – provisional suspension (EPO + diuretic/masking agent);
- Ruth Chepngetich (athletics) – provisional suspension (diuretic/masking agent (HCTZ));
- Lawrence Cherono (athletics) – seven-year ban (trimetazidine + attempted tampering); and
- Kibiwott Kandie (athletics) – provisional suspension (for failing to submit a sample).

1.2 Misconduct and Match-Fixing

Kenya does not currently have a single, standalone “Match-Fixing Act”. In practice, suspected match manipulation is addressed through general criminal laws like bribery, betting/gaming regulation and sport-sector governance and disciplinary frameworks.

Key statutes commonly relied on are:

- Anti-Bribery Act (Cap. 79B) / Bribery Act, 2016: This covers giving/receiving bribes and bribery linked to “functions or activities” (relevant where

- players, referees, club officials, or intermediaries are induced to influence outcomes).
- Anti-Corruption and Economic Crimes Act (Cap. 65): This creates and supports enforcement of corruption/economic crime offences and investigative powers. It is relevant where match manipulation involves corrupt benefit, abuse of office, or economic crime features.
 - Penal Code (Cap. 63): This provides for core offences that can fit integrity/misconduct scenarios, including obtaining by false pretences, cheating, forgery/uttering, conspiracy, etc. These are often the “hook” for manipulation schemes (especially where deception and benefit are involved).
 - Betting, Lotteries and Gaming Act (Cap. 131): This regulates betting and creates offences around unlawful betting/gaming operations and related misconduct. It is relevant when integrity offences are linked to betting markets and illegal betting activity.
 - Sports Act (Cap. 223) (governance and dispute resolution): While not a dedicated match-fixing criminal statute, it anchors Kenya’s sport governance architecture and the Sports Disputes Tribunal (SDT), a key forum for sports-disciplinary disputes and appeals (including integrity-related disputes where rules allow).

Even where criminal prosecution is difficult/slow, sports bodies typically act through sporting discipline and integrity controls, for example:

- integrity investigations and provisional suspensions pending inquiry (to protect competitions); eg:
 - (a) Football Kenya Federation (FKF) provisionally suspended Harambee Stars/Kakamega Homeboyz goalkeeper Patrick Matasi for 90 days over alleged match manipulation as investigations proceeded;
- co-operation with international integrity units (FIFA/CAF/Integrity hotlines, data monitoring, disciplinary referrals); eg:
 - (a) FIFA disciplinary action against a Kenyan club for match manipulation (see below);
- internal disciplinary processes (disciplinary committees, ethics codes, bans, deregistration/expulsion from competition, point deductions, match replays, referee suspensions); eg:

- (a) FKF has previously suspended multiple players/coaches amid match-fixing allegations in the Kenyan league context;

- preventive integrity programmes: education, codes of conduct, conflict-of-interest rules, mandatory reporting of approaches, restrictions on betting by participants, and integrity pledges (typically modelled on FIFA/CAF/IOC integrity frameworks).

Recent Noteworthy Misconduct/Match-Fixing Cases

Recent noteworthy cases include:

- Muhoroni Youth (Kenya): FIFA sanctioned Kenya’s Muhoroni Youth (a lower-division club) for match manipulation, including expulsion/demotion consequences.
- Patrick Matasi (Harambee Stars/Kakamega Homeboyz): FKF imposed a 90-day provisional suspension and opened an investigation following allegations circulating publicly.
- FKF suspended multiple players and coaches over match-fixing allegations (reported internationally).

1.3 Betting-Related Offences

Betting is not illegal and is governed by the Gambling Control Act 2025.

While the Gambling Control Act governs the conduct of betting operators and betting activities generally, sports governing bodies also impose integrity and betting-related behavioural rules on athletes and officials under their own statutes, codes or disciplinary frameworks.

In Kenyan football, the Football Kenya Federation has integrity rules that encompass match-fixing and manipulation, which can arise from betting-related conduct.

In Kenya, there is no formal statutory regime that mandates direct information exchange between betting operators and sports governing bodies on suspicious betting patterns.

Sports governing bodies like FKF generally engage in internal integrity monitoring and reporting, and may

co-operate with law enforcement, regulatory authorities, and international partners (eg, FIFA integrity units which provide intelligence/guidance on suspicious betting as part of their broader integrity functions).

1.4 Disciplinary Framework Steps in Disciplinary Proceedings

- Testing and Sample Collection: ADAK conducts in-competition and out-of-competition testing.
- Adverse Analytical Finding/Potential Violation: If a prohibited substance or method is identified, ADAK notifies the athlete formally, including the provisional suspension (if any) and basis for the potential anti-doping rule violation.
- Results Management and Provisional Measures: ADAK manages the results, provisionally suspends athletes where required under the Anti-Doping Rules and informs relevant stakeholders (teams/federations).
- Initiation of a Hearing: ADAK files the Charge Document before the Sports Disputes Tribunal (SDT) established under the Sports Act. The SDT hearing includes formal service of charges, disclosure of evidence, and invites the athlete to respond/defend.
- Decision and Sanctions: After the hearing, the Tribunal may impose sanctions (eg, periods of ineligibility, disqualification of results, fines) consistent with the Anti-Doping Rules and the World Anti-Doping Code.
- Appeals Path: Decisions of the SDT can ordinarily be appealed internally and might ultimately be subject to arbitration via the Court of Arbitration for Sport (CAS) where applicable.

Integrity/Match-Fixing and Betting-Related Disciplinary Proceedings

- Receiving an Integrity Referral/Complaint: A governing body (such as Football Kenya Federation) may receive intelligence or reports of anomalous match events prompting an investigation into possible integrity violations (eg, match-fixing linked to betting).
- Preliminary Investigation: The body reviews evidence, may engage integrity units (sometimes in co-operation with FIFA/CAF/licensed betting operators or national regulators) and decides whether to bring charges under its disciplinary code (often

mirroring FIFA's anti-match-manipulation architecture).

- Notice of Charge and Provisional Measures: The athlete/official is notified of charges under the relevant federation's disciplinary rules and may face provisional suspension pending a formal hearing.

2. Commercial Rights

2.1 Sports-Related Rights Notable Sports-Related Commercial Rights

In Kenya, notable sports commercial rights beyond sponsorship/broadcasting include merchandising/licensing (trade marks), image and endorsement rights (contract and data protection), event IP (copyrighted collateral/content), ticketing and hospitality packages, naming/venue rights, and digital/data commercialisation.

Secondary Ticket Sales

Kenya does not have a widely used, dedicated statutory "ticket resale" regime. In practice, resale happens informally through social media and sometimes through intermediaries, but many Kenyan ticketing platforms/organisers prohibit unauthorised resale via contract terms.

How Illegal Ticket Sales Are Combated

Illegal ticket sale are combatted through:

- prohibiting resale/transfer;
- limiting tickets per buyer;
- requiring ID matching;
- cancelling tickets bought through unauthorised channels;
- QR-coded e-tickets, unique barcodes, and verification at entry to prevent duplicated/counterfeit tickets (commonly promoted by ticketing providers);
- fake ticket sites/paybills and impersonation can trigger offences under cybercrime and fraud provisions (eg, phishing/impersonation/computer fraud/misrepresentation), depending on facts; and
- scam alerts issued by sports bodies and organisers, who can direct fans to official channels.

2.2 Sponsorship Terms

How Sponsors in Kenya Use Sport to Enhance and Promote Their Brand

Sponsors obtain naming rights, shirt/kit branding, stadium branding, digital/social media integration, access to anonymised fan engagement analytics, ticket promotions, meet-and-greet sessions.

How Sports Rights-Holders in Kenya Attract Sponsor Investment

Kenya sports bodies attract sponsors by marketing. They package title sponsorship, official partner categories, category exclusivity (eg, exclusive banking partner) and even naming rights. Federations such as Football Kenya Federation and Kenya Rugby Union typically structure tiered sponsorship models like Platinum/Gold/Silver partners. Rights-holders attract sponsors by presenting attendance data, broadcast reach (local and regional) and social media analytics.

Key Terms in a Standard Sponsorship Agreement

Standard sponsorship agreements include a detailed grant of rights, exclusivity provisions, IP licensing, activation deliverables, data protection compliance, morality clauses, indemnities and dispute resolution mechanisms.

2.3 Broadcasting Rights

How Broadcasters Exploit Available Broadcasting Rights To Make a Profit

Broadcasters exploit sports broadcasting rights primarily through advertising revenue, subscription income, sublicensing arrangements and increasingly through digital and streaming platforms. Free-to-air broadcasters such as Kenya Broadcasting Corporation and Citizen TV typically monetise live sports by selling premium advertising slots during matches, halftime analysis and pre- and post-game programming, often bundling advertising with programme sponsorship and branded studio segments. Live sports command premium advertising rates due to real-time viewership and high audience engagement. Pay-TV broadcasters such as SuperSport (distributed locally via DStv) and StarTimes rely primarily on subscription revenue, using exclusive sports content – particularly football – to attract and retain subscribers. These broadcasters may also monetise through tiered sports packages, digital streaming applications, spon-

sored highlights, and, in limited cases, sublicensing selected matches to free-to-air channels to maximise reach while retaining commercial value.

How Sports Rights-Holders Traditionally Package Broadcasting Rights To Attract Broadcaster Investment

Sports rights-holders in Kenya package broadcasting rights strategically to attract broadcaster investment by bundling rights by competition, duration, territory and platform. Domestic leagues and federations typically offer multi-season packages – often two to three seasons – to provide revenue certainty and encourage broadcaster investment in production infrastructure. Pay-TV rights are usually granted on an exclusive basis, as exclusivity significantly enhances commercial value. In contrast, free-to-air rights are sometimes limited to selected matches, delayed broadcasts, or highlights to balance revenue generation with public accessibility. A notable example is the multi-season broadcast arrangement between Football Kenya Federation and StarTimes for coverage of the FKF Premier League, which involves exclusive pay-TV rights structured over multiple seasons following a commercial negotiation process. National team matches involving Harambee Stars have, at times, been shared between pay-TV and free-to-air broadcasters such as Kenya Broadcasting Corporation to ensure wider national reach while preserving commercial arrangements.

The Use of Licences to Access Venues and How Intellectual Property Rights in the Broadcast Are Dealt With

Access to venues for broadcasting purposes is typically governed through production and access licences granted by the sports rights-holder to the broadcaster. These licences regulate camera positions, commentary facilities, technical areas, branding control and security compliance, and are distinct from the core media rights agreement. The broadcaster is usually responsible for production costs, insurance and compliance with stadium regulations. Intellectual property rights are addressed contractually in light of the Copyright Act (2001). While a sporting event itself is not protected as a copyrighted work, the broadcast signal and the audiovisual production created by the broadcaster constitute protected works. As a result, contracts typically provide that the rights-holder retains

ownership of the underlying event rights, while the broadcaster owns or controls the broadcast production, subject to agreed limitations. Agreements usually allocate archival rights, digital clipping rights, highlight packages and international distribution rights, and increasingly reserve certain short-form content rights for the rights-holder's social media platforms.

In practice, Kenya's broadcasting market reflects a hybrid commercial model in which exclusive pay-TV arrangements drive premium football content, free-to-air broadcasters rely on advertising around major national events, and digital streaming is an expanding but still developing revenue stream. Multi-season exclusive packages remain the norm for high-value properties, and contractual allocation of venue access and broadcast intellectual property rights is central to safeguarding commercial returns for both broadcasters and sports rights-holders.

3. Sports Events

3.1 Proprietary Rights and Event Management

In Kenya, there are no standalone proprietary rights in a sports event itself. However, organisers control and monetise events through intellectual property rights, contractual arrangements and access control mechanisms.

Other legislation may apply. The Consumer Protection Act, 2012, governs ticket sales, advertising representations, refunds and unfair practices. Fraudulent ticket sales or counterfeit credentials may also trigger criminal or cybercrime liability under general criminal law.

Sports events in Kenya are typically organised by national federations registered under the Sports Act, 2013, private promoters acting under federation sanction, or event management companies. Federations such as Football Kenya Federation and Kenya Rugby Union organise competitions pursuant to their constitutions and competition rules. Major events may also require permits, security approvals and county-level co-ordination.

Participation is governed through federation rules and entry agreements. Athletes and teams are bound by competition regulations, codes of conduct and disciplinary frameworks.

3.2 Duty of Care and Liability

The Occupiers' Liability Act (Cap. 34) imposes a duty on occupiers of premises (including stadium operators and event organisers exercising control over a venue) to take reasonable care to ensure that visitors are reasonably safe while on the premises. The Sports Act, 2013, establishes governance standards for sports bodies and supports regulatory oversight of organised sport. In addition, the Public Health Act (Cap. 242) and county public safety regulations may apply when public gatherings require compliance with health, safety, and sanitation requirements. Where tickets are sold, the Consumer Protection Act, 2012, may also apply in relation to representations about safety and event conditions.

Liability may be limited contractually, typically through ticket terms and entry conditions that include disclaimers, assumption-of-risk clauses and exclusion clauses. Organisers often include clauses limiting liability for ordinary negligence and requiring spectators to comply with stadium rules.

Sporting events are kept safe from violence and disorder through a combination of contractual controls and public law enforcement. Entry is regulated through ticketing and accreditation systems. Stadium rules prohibit weapons, pitch invasion, and disorderly conduct. Organisers typically co-ordinate with the National Police Service as regards security deployment and crowd control under public order legislation. Federations also impose disciplinary sanctions on clubs or supporters for crowd violence, including fines, closed-door matches or stadium bans.

4. Corporate Structures

4.1 Legal Forms of Sporting Bodies

Sporting bodies commonly adopt the following legal forms:

- **A Society:** This is the most common legal form for non-professional clubs and federations. Many amateur clubs and national sports governing bodies are registered as societies under the Societies Act (Cap. 108). This structure is typically non-profit and membership-based. It is preferred where the objective is the development of sport rather than profit distribution.
- **Companies Limited by Guarantee:** Some sports organisations adopt a company limited by guarantee structure under the Companies Act, 2015. This is also a non-profit structure, but with more formal corporate governance requirements than a society.
- **Companies Limited by Shares (Professional Clubs and Commercial Ventures):** Professional sports clubs, event promoters and commercially driven entities often register as private limited liability companies under the Companies Act, 2015.

Sports organisations choose their structure based on their purpose and funding model:

- non-profit development focus – society or company limited by guarantee (profits reinvested; no dividends);
- commercial/professional focus – company limited by shares (ability to raise capital and distribute profits);
- governance credibility and sponsor confidence – company structure (clear director duties and statutory compliance); or
- regulatory recognition under the Sports Act – federations often maintain society structures due to historical governance models and membership-based voting systems.

4.2 Corporate Governance Codes

There are no sport-specific governance codes. However, governance of sports bodies is regulated primarily under the Sports Act, 2013, which establishes the legal framework for the registration, recognition and oversight of national sports organisations.

4.3 Sport Funding

Sport is funded through a combination of public funding, commercial revenue and private investment. The primary source of public funding is the national government, mainly through allocations from the relevant

ministry responsible for sports under the national budget. A significant statutory funding mechanism is the Sports, Arts and Social Development Fund (SASDF) established under the Public Finance Management framework. The Fund supports national teams, stadium development, grassroots programmes and major international participation.

Government funding is typically allocated to national federations for elite competition, administration, and participation in national teams. Some funds are earmarked for infrastructure and youth development programmes.

Federations distribute funds internally to leagues, regional branches and development programmes according to their constitutions and budgets.

Professional clubs rely more heavily on sponsorship, broadcasting revenue and ticket income to fund operations, player salaries and infrastructure.

Grassroots and amateur sport depend largely on limited government grants, county support, and local sponsorship.

5. Intellectual Property, Data and Data Protection

5.1 Trade Marks

Trade marks are registered under the Trade Marks Act (Cap. 506) through the Kenya Industrial Property Institute (KIPI).

KIPI examines the mark for distinctiveness and conflicts with existing registrations. If accepted, the mark is published in the Industrial Property Journal for opposition. If no opposition is filed (or it fails), the mark proceeds to registration and a certificate is issued. Registration is valid for ten years and renewable indefinitely.

The following cannot be registered:

- marks that lack distinctiveness;
- generic or descriptive terms (unless they have acquired distinctiveness through use);

- deceptive or misleading marks;
- scandalous or immoral matter;
- marks identical or confusingly similar to earlier registered marks; or
- emblems protected under law (eg, state insignia).

Advantages of registration include:

- exclusive right to use the mark in relation to the registered goods/services;
- statutory protection against infringement;
- easier enforcement in court (no need to prove goodwill, unlike passing off); and
- stronger position for licensing, sponsorship and merchandising deals.

A mark can be registered without use. Kenya operates largely on a first-to-file system, meaning a mark can be registered without prior use. However, if a registered mark is not used for five consecutive years, it becomes vulnerable to cancellation for non-use.

5.2 Copyright/Database Rights

Kenya recognises copyright, and it is governed primarily by statute under the Copyright Act, 2001 (as amended). Copyright in Kenya is therefore statutory rather than derived from common law.

Basic Requirements for Copyright Protection

The work must fall within a protected category (eg, literary, musical, artistic, audiovisual works, broadcasts, sound recordings).

The work must be original, meaning it originates from the author and involves some degree of skill, labour and judgement.

The work must be fixed in material form (ie, recorded or reduced into tangible form).

Registration and its Benefits

Although copyright protection is automatic, voluntary registration is available through the Kenya Copyright Board (KECOBO). Registration is not a condition for protection but provides:

- evidentiary proof of ownership;
- easier enforcement in court; and

- stronger commercial positioning for licensing and assignment.

Major Defences to Copyright Infringement

These include:

- fair dealing, including use for research, private study, criticism, review or reporting of current events;
- incidental inclusion of a copyrighted work;
- educational exceptions; and
- authorised use under licence.

Database Right

Kenya does not have a separate database right, but databases may qualify for copyright protection if they meet originality requirements.

5.3 Recognising Personality/Image Rights

Image rights (personal rights of publicity and NIL rights) are recognised in Kenya, although there is no single, consolidated statute dedicated to such rights. Instead, recognition is achieved through a combination of statute, the Constitution, and common law precedent.

5.4 Protecting Personality/Image Rights

No response was provided in this jurisdiction.

5.5 Licensing

Professional athletes exploit their IP primarily through licensing their image, name and likeness under endorsement agreements. They may grant brands the right to use their image in advertising, social media campaigns, promotional appearances and branded merchandise. Some athletes also register their names or logos as trade marks to strengthen licensing leverage and prevent unauthorised use.

By contrast, non-professional or university/college sports bodies and athletes in Kenya operate in a more limited commercial environment. University sports associations may license event branding for sponsorship or merchandise, but commercial exploitation is generally modest and often reinvested into development programmes. Student-athletes typically do not operate structured NIL licensing models comparable to those in jurisdictions such as the United States; any

commercial use of their image is usually governed by institutional rules or federation regulations, and is far less commercialised.

5.6 Assignment of IP Rights

Intellectual property rights can generally be assigned to third parties, but the assignment must comply with statutory requirements and certain limitations.

Under the Trade Marks Act (Cap. 506), a registered trade mark may be assigned, with or without goodwill, but the assignment must be in writing and recorded with the Kenya Industrial Property Institute (KIPI) to be effective against third parties. Assignments that are likely to cause deception or confusion may be refused registration. Certain marks – such as those containing protected emblems or official insignia – cannot be freely assigned without appropriate consent.

Under the Copyright Act, 2001, copyright may also be assigned, wholly or partially, but the assignment must be in writing and signed by or on behalf of the assignor. Moral rights (such as the right to be credited as author and the right to object to derogatory treatment of a work) are generally not assignable, although they may be waived. This means that, while economic rights can be transferred, certain personal rights remain with the creator.

In the sports context, federations and clubs can assign or license broadcasting and merchandising rights, but assignments are typically structured carefully to preserve underlying event control and brand integrity. Athlete image rights, where contractually defined, may also be assigned or licensed, but constitutional rights such as dignity and privacy cannot be permanently transferred.

5.7 Data in Sport

Sports data is increasingly used for performance optimisation, fan engagement, commercial marketing and integrity monitoring, although the ecosystem is still developing compared to larger markets.

Athlete data (such as biometric data, GPS tracking, injury records and performance analytics) is commonly used by professional teams and federations to improve training programmes, monitor workload

and prevent injury. In elite environments – particularly football and rugby – teams use performance analysis software and wearable tracking systems to support coaching decisions. Athlete data is also relevant in anti-doping monitoring and medical assessments. Processing of such personal data must comply with the Data Protection Act 2019, particularly where sensitive health data is involved.

Spectator data is primarily collected through ticketing platforms, membership registrations, digital engagement (social media, mobile apps) and promotional campaigns.

This data has growing commercial value because sponsors increasingly demand measurable engagement metrics before investing.

5.8 Data Protection

The primary legislation governing the receipt, storage and processing of sports-related data is the Data Protection Act, 2019 (DPA), together with regulations issued thereunder and oversight by the Office of the Data Protection Commissioner (ODPC).

6. Dispute Resolution

6.1 Role of National Court Systems

Under the Sports Act, 2013, the Sports Disputes Tribunal (SDT) is established as a specialised body to hear and determine sports-related disputes, including those relating to eligibility, discipline, governance of federations and appeals from sports organisations. As a result, many disputes that would otherwise go to the High Court are first determined by the SDT.

Kenyan courts generally require parties to exhaust internal dispute resolution mechanisms before approaching the courts.

The High Court retains jurisdiction in the following circumstances:

- judicial review of decisions made by sports bodies or the SDT (on grounds such as illegality, irrationality or procedural impropriety); and

- constitutional petitions where fundamental rights are alleged to have been violated.

Note that commercial disputes involving contracts (eg, sponsorship or employment disputes) are not specifically reserved for sports tribunals.

6.2 ADR Mechanisms

The primary specialised mechanism is the Sports Disputes Tribunal (SDT) established under the Sports Act, 2013. The SDT has jurisdiction over disputes relating to sports organisations, licensing, discipline, eligibility, and appeals from decisions of federations and other sports bodies. It operates as a quasi-judicial body and provides a structured forum for resolving sports disputes without immediately involving the High Court. Parties are generally expected to approach the SDT after exhausting internal remedies within the federation.

Before matters reach the SDT, most national sports federations have internal dispute resolution mechanisms set out in their constitutions and regulations. These typically include disciplinary committees and appeals committees. Parties must usually exhaust these internal processes before escalating the dispute externally.

Arbitration is also available as an ADR mechanism.

Mediation is recognised under the Civil Procedure Act and the court-annexed mediation framework and may also be used voluntarily by parties. Additionally, some sports bodies encourage negotiated settlements or mediation in governance and contractual disputes before formal adjudication.

Where international federations are involved, disputes may ultimately be referred to the Court of Arbitration for Sport (CAS) if the relevant federation rules provide for CAS jurisdiction, but this typically follows exhaustion of national or internal remedies.

6.3 Sanctions, Remedies and Challenges

Under their rules, sports governing bodies may impose:

- sporting sanctions, such as suspensions, bans, disqualification, forfeiture of matches, points deductions, relegation, or exclusion from competition;
- financial sanctions, including fines, withholding of prize money, suspension of grants, or refusal of club licensing; and
- administrative sanctions, such as deregistration of clubs, nullification of elections, or removal of officials.

Remedies Available to Challenge Governing Body Decisions

Parties seeking to challenge sanctions typically have the following avenues:

- Internal Appeals: Most federations provide for an internal appeals committee. Parties are generally required to exhaust this mechanism first.
- Sports Disputes Tribunal (SDT): Under the Sports Act, the SDT has jurisdiction to hear appeals and determine disputes arising from decisions of sports organisations. The Tribunal may affirm, vary or set aside decisions.
- Arbitration: Where contracts include arbitration clauses, disputes (particularly commercial ones) may be referred to arbitration under the Arbitration Act, 1995.
- Judicial Review or Constitutional Petition in the High Court: The High Court may intervene where there are allegations of illegality, procedural unfairness, irrationality, or violation of constitutional rights. Courts generally require exhaustion of internal remedies before assuming jurisdiction.
- Court of Arbitration for Sport (CAS): Where federation rules provide for CAS jurisdiction (especially in international sports), parties may appeal to CAS after national remedies are exhausted.

7. Employment Contracts and Rights

7.1 Sports-Related Employment Contracts

Relationships between sports organisations and players are primarily governed by contract, and the structure depends on the sport and level of professionalism.

In professional team sports such as football and rugby, players are usually engaged under written employment contracts with their clubs. These contracts typically provide for salary, bonuses (eg, win or appearance bonuses), medical cover, disciplinary obligations and termination clauses. In most cases, players are employees of their clubs for purposes of the Employment Act, 2007, meaning statutory employment protections (such as notice requirements and unfair termination principles) apply.

Central player contracts are not widely institutionalised across Kenyan sport. In football, players are generally contracted directly by clubs rather than the national federation. In rugby and athletics, centralised arrangements may exist in limited circumstances (for example, where elite national team athletes receive stipends or structured support from the federation), but the dominant model remains club-based or individual contractual arrangements rather than comprehensive central contracting systems.

Salary caps are not common in Kenyan sport. There is no statutory salary cap regime, and most leagues do not operate formalised financial fair play systems comparable to major European leagues. However, some federations impose club licensing requirements that indirectly address financial sustainability, such as proof of financial capacity to meet player obligations. Financial instability has occasionally led to disputes over unpaid salaries, but not through structured salary cap mechanisms.

Certain legal issues require consideration. Restrictive clauses in player contracts – such as long-term exclusivity, non-compete clauses or transfer restrictions – may be scrutinised under the doctrine of restraint of trade. Kenyan courts will generally assess whether such restrictions are reasonable in scope, duration and geographical reach. Additionally, competition law concerns could arise under the Competition Act, 2010, if collective agreements or federation rules unfairly restrict market competition, although such disputes have been relatively limited in Kenyan sport.

7.2 Employer/Employee Rights

In Kenya, where a sports governing body, federation or club engages staff or athletes under contracts

of service, the relationship is governed by ordinary employment law, principally the Employment Act, 2007, the Labour Relations Act, 2007, and the Constitution (particularly fair labour practices under Article 41). Sports organisations are not exempt from these rules. If a player, coach or administrative officer qualifies as an “employee”, the employer must comply with statutory obligations relating to written contracts, payment of wages, notice, fair termination procedures, redundancy processes and statutory deductions.

Disputes have arisen in Kenya involving unpaid salaries, unlawful termination of coaches and disputes over contractual benefits. It is common in football and other professional sports for players to file claims for salary arrears when clubs are experiencing financial difficulties.

7.3 Free Movement of Athletes

In Kenya, there is no specific statute that expressly prohibits sports governing bodies from capping the number of foreign athletes participating in a tournament or competition. Federations generally have regulatory autonomy under the Sports Act, 2013, to set eligibility and competition rules, including limits on foreign players, provided those rules are applied consistently and do not violate constitutional or statutory provisions.

8. Women’s Sport

8.1 Development and Growth of Women’s Sport

Women’s sport has grown significantly over the past decade, driven by increased investment from federations, improved media visibility, and stronger commercial partnerships. Football, rugby, athletics and volleyball are among the most developed women’s sports, with structured national leagues and growing national team success.

In football, the women’s top tier is organised by the Football Kenya Federation under the FKF Women’s Premier League. The national team, Harambee Starlets, has benefited from increased federation focus and sponsorship activation, although commercial revenue remains lower than in the men’s game. Recent

years have seen improved broadcast visibility, including selected league and national team matches shown on local television platforms. While attendance figures for domestic women's league matches remain modest compared to men's football, international fixtures have drawn stronger crowds, particularly during continental qualifiers.

In rugby, the women's Sevens programme under the Kenya Rugby Union has gained regional and international competitiveness. Women's rugby has benefited from structured development pathways and inclusion in international circuits, increasing visibility and commercial appeal. Sponsorship packages increasingly cover both men's and women's programmes, reflecting a broader inclusion strategy rather than isolated women-only deals.

Athletics remains Kenya's strongest women's sport commercially and competitively. Kenyan female athletes regularly win major international marathons and track events, attracting individual endorsement deals and global media attention. Major road races in Kenya now feature equal or near-equal prize structures for men and women in elite categories, aligning with international standards. Broadcast exposure for major marathons and championship events has increased, although media rights are typically bundled rather than sold separately by gender.

Recent trends include the gradual "unbundling" of rights within football and rugby sponsorship packages, where commercial partners demand dedicated visibility for women's competitions rather than automatic bundling with men's rights. Grassroots and school-based competitions for girls have expanded, supported by government funding through the Sports, Arts and Social Development Fund and corporate CSR initiatives.

In terms of statistics, while domestic attendance and broadcast revenues for women's leagues remain below those of men's competitions, participation numbers at the youth level have risen steadily, and national team matches in football and rugby have recorded growing digital viewership. Sponsorship activity has shifted from symbolic support to more structured commercial arrangements, particularly in

football and athletics, where leading female athletes command individual endorsement agreements.

8.2 Organisations and Initiatives to Promote Women's Sport

Football Kenya Federation – Women's Football Programmes

The Football Kenya Federation runs structured women's football leagues, including the Women's Premier League and lower-tier competitions, and administers national teams such as the Harambee Starlets. FKF has increasingly focused on expanding female participation, improving coaching standards for women's teams, and securing sponsorship for the women's game. FKF's development programmes work with schools and local clubs to build a pipeline of young female talent.

Kenya Rugby Union – Women's Rugby Development

The Kenya Rugby Union has invested in women's rugby, particularly the sevens programme, which has gained regional prominence. KRU conducts women's competitions at national and regional levels and supports pathways for players into international sevens and fifteens competitions. Its programmes include grassroots clinics and talent identification events aimed at encouraging girls' participation.

Athletics Kenya – Women's Athletics Support

While Athletics Kenya governs elite athletics across genders, there has been deliberate emphasis on supporting female athletes, especially in middle- and long-distance running. Initiatives include targeted training camps, support for women competing in international marathons, and coach development programmes to improve opportunities for women in coaching and technical roles.

Kenya Women in Sports (KWIS)

Kenya Women in Sports is a non-profit advocacy group focused on promoting gender equity in sport. KWIS works on mentorship programmes, policy advocacy, and awareness campaigns to increase female representation in sports administration, coaching and officiating. It also highlights gender-based barriers in sport and works with stakeholders to create more inclusive opportunities.

Grassroots and School-Based Initiatives

County sports associations, in partnership with the ministry responsible for sports and education institutions, run girls' sports programmes at the grassroots level. These include inter-school athletics, football and basketball competitions designed to increase participation rates from a young age and feed talent into club and national structures.

Corporate and NGO-Supported Programmes

Various private and NGO-led initiatives support women's sport development. For example, corporate-sponsored clinics and empowerment programmes offer training, equipment and mentorship to female athletes. These programmes promote confidence, leadership and community engagement through sport.

9. Esports

9.1 Development and Growth of Esports

E-sports and virtual sports are emerging sectors that have grown steadily over the past decade, driven largely by youth demographics, increased internet penetration and mobile technology adoption. While esports are not yet regulated under a dedicated statutory framework, they operate within existing sports governance, ICT and gambling laws.

Competitive esports activity is coordinated in part by the Esports Kenya Federation, which promotes organised gaming competitions and talent development. Popular titles in Kenya include EA Sports FC (formerly FIFA), Pro Evolution Soccer, PUBG Mobile and Call of Duty. University tournaments, community gaming hubs and privately organised leagues have expanded participation, particularly in urban centres such as Nairobi and Mombasa.

9.2 Key Trends and Notable Deals in Esports Expansion of Mobile and Online Tournaments

Kenya has seen a marked increase in organised mobile esports tournaments, driven by widespread smartphone use and affordable data. Titles such as EA Sports FC (FIFA), PUBG Mobile, Call of Duty: Mobile, and Free Fire have featured prominently in both grassroots and city-wide competitions. These events are often hosted by gaming communities, universities and

private promoters, with live streaming on platforms such as YouTube and TikTok. The rise of mobile gaming reflects broader regional trends where access is more feasible than high-end PC/console setups.

Growth of Virtual Sports via Betting Operators

Virtual sports (computer-simulated sporting events offered by licensed betting companies) have grown rapidly in Kenya. Betting platforms integrated into sports betting apps offer continuous virtual matches and races, appealing to younger, data-driven punters. This trend is significant because it links gaming to the mature betting market, generating daily engagement beyond traditional sports fixtures.

Increased Telecom and Tech Sponsorship Activation

Telecommunications companies (notably some major telcos) have engaged in sponsorship or promotional support for gaming events, recognising esports as a channel to reach youth segments. While deals are often smaller than traditional sports sponsorships, there is an emerging pattern of telecom brands providing data bundles, prizes or platform support tied to esports championships.

Streaming and Creator Monetisation

Kenyan gamers and esports personalities are increasingly monetising live streams and gaming content via digital platforms like YouTube and Facebook Gaming. This reflects a broader trend where individual creators build followings that attract advertising, sponsored content and brand partnerships.

10. NFTs, AI and the Metaverse

10.1 Non-Fungible Tokens (NFTs)

NFTs have introduced a new way to capture and monetise intellectual property. There is a growing community of NFT artists and collectors, and NFTs are now becoming popular with investors in Kenya. 6% of Kenya's millionaires now own an NFT, while 13% have invested in a cryptocurrency.

In April 2021, world marathon record holder Eliud Kipchoge sold two highlight videos of his record-breaking runs held in September 2018 in Berlin and May 2019

in Vienna. Kipchoge reportedly sold the two NFTs for the equivalent of USD50,000.

As developing technology, NFTs are not yet regulated in Kenya. The rapid pace of technological advancement continues to create gaps in our existing laws and leaves legislators playing catch-up.

Nonetheless, on 5 August 2022, the Kenya Copyright Board (the Board) issued an Advisory on Memes and Copyright Law. In it, the Board specifically mentioned the use of NFTs as a means of exploiting art for monetary gain, highlighting the Board's interest in recent developments in the digital world and on their effect on the intellectual property rights of stakeholders in the country.

Most sports organisations in Kenya remain focused on traditional revenue streams such as sponsorship, broadcasting and merchandising rather than blockchain-based monetisation.

Opportunities for NFTs in Kenyan sport include:

- digital collectables (eg, limited-edition highlights, athlete trading cards, championship moments);
- fan engagement tools, including token-based voting or loyalty programmes;
- new sponsorship activations, where brands collaborate on digital merchandise drops;
- international monetisation, allowing diaspora and global fans to engage digitally; and
- royalty-based resale models, enabling ongoing revenue when NFTs are resold.

However, the risks are significant:

- regulatory uncertainty, as Kenya does not yet have comprehensive cryptocurrency legislation;
- volatility and speculative risk, given fluctuating crypto markets;
- consumer protection concerns, especially where NFTs are marketed as investments;
- fraud and cybercrime risks, including scams and wallet security issues; and
- reputational risk for sports organisations if NFT projects collapse or are perceived as exploitative.

10.2 AI

There is currently no standalone AI-specific legislation governing sport. Instead, artificial intelligence applications in sport are regulated indirectly through existing legal frameworks, primarily the Data Protection Act, 2019, the Computer Misuse and Cybercrimes Act, 2018, intellectual property laws, and general consumer protection principles.

How AI is Being Used in Kenyan Sport

AI adoption in Kenya is still developing, but is increasingly visible in the following:

- **Performance Analytics:** Professional football and rugby teams use AI-supported video analysis and GPS tracking systems to assess player performance, injury risk and tactical strategy.
- **Scouting and Talent Identification:** Data-driven analytics tools help identify emerging talent, particularly in football academies.
- **Fan Engagement and Marketing:** Sports organisations and sponsors use AI-driven CRM systems and social media analytics to personalise marketing campaigns and measure sponsor ROI.
- **Broadcast Enhancement:** AI is used for automated highlight generation, statistical overlays, and real-time performance tracking.
- **Betting and Integrity Monitoring:** AI tools analyse betting patterns to detect anomalies potentially linked to match manipulation.

Opportunities

AI presents significant commercial and operational opportunities in Kenyan sport:

- improved athlete performance and injury prevention;
- enhanced fan engagement and personalised digital experiences;
- better sponsorship valuation through advanced analytics;
- cost-effective content production (eg, automated highlights); and
- expansion of esports and virtual engagement ecosystems.

As sport becomes more digitised, AI can help federations and clubs professionalise operations and compete regionally and internationally.

Risks

However, there are important risks:

- data protection breaches, particularly involving sensitive biometric or health data;
- algorithmic bias, potentially affecting selection, recruitment or disciplinary decisions;
- cybersecurity vulnerabilities;
- lack of regulatory clarity, since Kenya does not yet have dedicated AI legislation; and
- reputational risk, especially if AI tools are perceived to undermine fairness or transparency.

10.3 The Metaverse

There is no applicable information in this jurisdiction.

Trends and Developments

Contributed by:

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TripleOKLaw Advocates is a mid-sized Nairobi-based law practice with a team of 11 partners and 21 associates, offering focused expertise in sports law, doping matters and related dispute resolution. From its sole office in Nairobi, the firm advises sports clubs, federations, athletes and governing bodies on regulatory compliance, contractual disputes, disciplinary proceedings and sports governance issues, often intersecting with arbitration and public law. The team is currently acting for KCB Sports Club in an ongoing claim involving an alleged breach of

contract. It successfully represented Tusker FC in a contractual dispute, securing dismissal of the claim on a preliminary objection grounded on subject matter and pecuniary jurisdiction. The firm also acted for the Equestrian Federation of Kenya in proceedings concerning registration and governance issues, obtaining dismissal on jurisdictional and statutory grounds, including lack of legal capacity, absence of standing under the Sports Act, and failure to exhaust mandatory dispute resolution mechanisms before the Sports Disputes Tribunal.

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Trends and Developments: The Uniqueness of Kenya's Sports Disputes Tribunal and Why It Matters to the Market

Introduction

Kenya's sports industry is increasingly commercial, regulated, and reputation-sensitive. Clubs, leagues, federations, sponsors, athletes, agents and event organisers now operate in an environment where disputes can rapidly escalate into business disruption, brand damage and lost competitive opportunities. Against that backdrop, the Sports Disputes Tribunal has emerged as a distinctive institution that is shaping how sports conflicts are resolved in Kenya under the Sports Act, No 25 of 2013, and in line with constitutional standards under the Constitution of Kenya 2010.

The Tribunal's uniqueness is not simply that it hears sports disputes. Its distinctive value lies in its ability to provide a specialist forum that is quicker and more context-aware than ordinary litigation, while still applying public law values such as fairness, transparency and access to justice. This article highlights the most notable trends in the Tribunal's recent jurisprudence and practical approach and why these trends are important to clients doing business in Kenya's sports market.

The commercial reality of sports disputes in Kenya

Sports disputes in Kenya rarely remain purely "sporting". Governance contests can affect the validity of elections, the legitimacy of office bearers and the ability of federations to sign contracts or run competitions. Employment disputes can interrupt a sea-

son, disrupt squad planning and lead to unexpected financial exposure. Registration and eligibility disputes can determine promotion, relegation, prize money and sponsorship deliverables.

These realities make time a critical factor. A dispute that takes months may be commercially equivalent to no remedy at all, especially where the contested event is an election, a transfer window, a league fixture or an athlete's selection. The Sports Disputes Tribunal is unique because it has built a body of practice that is alive to these timelines, while still anchored in the Sports Act and constitutional safeguards such as the right to a fair hearing under Article 50 of the Constitution of Kenya 2010 and access to justice under Article 48 of the Constitution of Kenya 2010.

A specialist statutory forum with a purposive approach to jurisdiction

One of the clearest themes in the Tribunal's jurisprudence is a purposive and practical approach to jurisdiction under Section 58 of the Sports Act, No 25 of 2013. Rather than treating jurisdiction as a technical trap, the Tribunal tends to ask whether the dispute is genuinely sports-related and whether refusing jurisdiction would undermine access to timely and effective remedies within the sports ecosystem. This approach supports market stability by increasing the predictability that sports disputes will be resolved in a specialist forum rather than drifting into fragmented litigation.

This trend is illustrated in *Galaxy United FC v Korir & another*; *Seka FC (Homabay County) & 2 others*

(Interested Parties) [2025] KESDT 52 (KLR), where the Tribunal considered a jurisdictional challenge and addressed whether the matter fell within its remit under the Sports Act. The Tribunal's reasoning reflects a preference for an interpretation that advances the Tribunal's purpose, particularly in disputes involving sports governance and elections.

For investors, sponsors, and rights-holders, this purposive approach matters because it supports the continuity of competitions and the legitimacy of governance. It also signals that parties should treat SDT litigation risk as a real and structured risk, rather than assuming that disputes will be deflected to internal committees or to ordinary courts by default.

The “exhaustion” doctrine is being applied in a market-sensitive way

A major trend in Kenyan public law is the doctrine of exhaustion, which generally requires parties to exhaust internal mechanisms before seeking redress in an external tribunal or court. In sport, exhaustion is often invoked through federation constitutions and internal judicial bodies, ethics committees, or appeals boards. The uniqueness of the Sports Disputes Tribunal is that it treats exhaustion as a question of effectiveness in practice, not merely the existence of a procedure in theory.

In *Galaxy United FC v Korir & another; Seka FC (Hombay County) & 2 others (Interested Parties)* [2025] KESDT 52 (KLR), the Tribunal considered arguments that the claimant should have pursued internal remedies. A key feature of the Tribunal's approach was its attention to the factual record of attempts made to engage internal processes and whether those processes were responsive and capable of providing timely relief. This helps prevent internal mechanisms from being used as delay tactics, which is a recurring risk in election and governance disputes.

This trend is commercially significant. When internal dispute channels are slow, unclear, or perceived as controlled by one side in a governance contest, insisting on exhaustion can become a method of entrenchment rather than dispute resolution. The Tribunal's approach supports a business environment where

regulatory and governance disputes can be brought to a forum with clearer procedural accountability.

The Tribunal's handling of preliminary objections reduces tactical delay

In many disputes, the first battleground is not the merits but the procedure. Parties often raise preliminary objections on jurisdiction, locus standi, exhaustion, or competence in an attempt to stop the case early. The Sports Disputes Tribunal's distinctive posture is that it tends to scrutinise whether an objection is truly a “pure point of law” or whether it depends on contested facts that should be tested in a fuller hearing.

In *Galaxy United FC v Korir & another; Seka FC (Hombay County) & 2 others (Interested Parties)* [2025] KESDT 52 (KLR), the Tribunal addressed a preliminary objection which, although framed as legal issues, required examination of how internal processes were functioning and what steps had been taken. This approach is important in sport because procedural skirmishes can be used to run down the clock, resulting in a “win by delay” even when the underlying decision is questionable.

For clients, this trend means SDT proceedings can be less vulnerable to stalling tactics than ordinary litigation. It also means parties must prepare for disputes to proceed to substance quickly, including evidence on governance processes, communications, and procedural history.

Employment disputes in sport are increasingly treated as core sports justice issues

Another notable development is the Tribunal's willingness to treat employment disputes in the sports sector as falling within the sports dispute framework, rather than automatically diverting them elsewhere. This reflects an understanding that sport is an industry, and that employment relations between clubs and coaches, technical staff, and sometimes players are integral to the operation of competitions and performance outcomes.

In *Mohammed v Bandari Football Club* [2025] KESDT 46 (KLR), the Tribunal addressed an employment dispute and considered an arbitration clause which contemplated internal arbitration and potentially arbitra-

tion under the Arbitration Act, Cap 49, or FIFA-related mechanisms. The Tribunal's approach reflects sensitivity to practical access-to-justice issues, including costs, procedural complexity, and the realities of bargaining power in sports employment settings.

This is commercially relevant because employment claims can create contingent liabilities that affect budgets, licensing, and squad planning. It also affects contract drafting strategy. Clubs and federations should treat dispute-resolution clauses as operational tools, not boilerplate, and ensure that internal mechanisms are functional, credible, and capable of making timely decisions.

While employment relationships in Kenya are generally governed by the Employment Act, 2007, the SDT's role introduces a specialist layer where the dispute is fundamentally anchored in sport. Clients should therefore anticipate that contract enforcement and termination disputes may play out in SDT, especially where the dispute is deeply connected to sporting participation, competition scheduling, or federation-related regulatory obligations.

A hybrid identity: specialist tribunal borrowing ADR tools without becoming private arbitration

In Kenya, arbitration is typically anchored in the Arbitration Act, Cap 49, and is characterised by party autonomy, confidentiality, and limited court intervention. Sport frequently uses arbitration models, particularly in international contexts. The SDT's uniqueness lies in its hybrid identity as a statutory tribunal within Kenya's constitutional order, while still drawing on ADR principles as contemplated in Article 159 of the Constitution of Kenya 2010.

A key illustration is *Chemelil Sugar Football Club and Kenya Premier League Limited v Nick Mwendwa and others*, SDT Case No 7 of 2020, in which the Tribunal considered whether it should be treated as an arbitral tribunal or as a statutory tribunal. The Tribunal's approach underscores that it is not merely a private arbitration forum but a public specialist tribunal with duties consistent with constitutional values, including fairness and accessibility.

This hybrid identity matters for market participants. It means the Tribunal is more likely to insist on procedural fairness and a reasoned approach that can withstand scrutiny, while still maintaining speed and sector-specific understanding. It also means that parties cannot assume that confidentiality and party autonomy will always dominate the process as they might in private arbitration.

Governance and election disputes remain central, with increasing expectations of procedural integrity

Sports governance is a recurring source of dispute in Kenya. Election cycles, membership disputes, and disputes about delegates, registers, and eligibility for office often have a direct effect on competition administration and commercial operations. The Tribunal's uniqueness is that it is prepared to engage with these disputes as legal questions affecting rights and obligations, not as "political" matters to be left to internal power dynamics.

In *Galaxy United FC v Korir & another; Seka FC (Homabay County) & 2 others (Interested Parties)* [2025] KESDT 52 (KLR), the Tribunal considered issues arising in a federation context and addressed challenges that often arise in election-related disputes, including the role of internal processes. The Tribunal's approach signals that where governance disputes threaten the integrity of the sport's administration, the Tribunal will consider intervention where appropriate under the Sports Act framework.

For clients, this trend increases the importance of compliance governance. Federations and leagues should maintain verifiable processes, clear notices, properly constituted committees, and documented decision-making. Where disputes arise, the documentary record often determines whether a party can defend the integrity of its process.

The Tribunal is reinforcing corporate and organisational discipline in sports litigation. A frequent feature of sports organisations is that many are incorporated entities or operate through corporate vehicles. This raises practical questions about authority to sue, board resolutions, and compliance with internal governance. The SDT's jurisprudence suggests a willing-

ness to enforce these corporate governance requirements as part of procedural discipline.

In *Chemelil Sugar Football Club and Kenya Premier League Limited v Nick Mwendwa and others*, SDT Case No 7 of 2020, the Tribunal addressed the issue of authority to commence proceedings, including the need for proper resolutions where a company is the claimant. This trend is commercially important because it forces clubs and leagues to align legal action with corporate governance, thereby reducing the risk of rogue litigation and improving certainty for counterparties.

For boards and investors, this reinforces a practical point. If disputes are likely, organisations should ensure that their governance documentation is up to date, that decision-making is properly minuted, and that authority levels are clear. This is particularly important for entities regulated under the Companies Act, No 17 of 2015, where corporate capacity and authority are central to litigation decisions.

Constitutional values are shaping sports justice, even when disputes are “private”

The Sports Disputes Tribunal is unique because it operates at the intersection of private sporting rules and Kenya’s constitutional legal order. Even where a dispute arises from a private contract or an internal federation decision, the Tribunal’s statutory foundation encourages a decision-making culture that is consistent with constitutional standards.

The most relevant constitutional anchors in sports disputes typically include access to justice under Article 48 of the Constitution of Kenya 2010, the right to a fair hearing under Article 50 of the Constitution of Kenya 2010, and the national value favouring alternative dispute resolution under Article 159 of the Constitution of Kenya 2010. In governance-related disputes, parties often implicitly raise issues connected to fair administrative action under Article 47 of the Constitution of Kenya 2010, particularly where a federation’s decision affects rights, status, eligibility, or participation.

From a business perspective, this constitutional influence increases compliance expectations for sports organisations. It also gives athletes and clubs greater

confidence that disputes will be assessed through a fairness lens, not only through internal politics or technicalities.

What clients should do differently in light of these trends

Clients operating in Kenya’s sports market should treat SDT risk and SDT opportunity as part of their standard regulatory and commercial planning. The Tribunal is becoming a central forum for resolving governance, competition, and employment-related disputes, and the practical effect is that legal readiness can be a competitive advantage.

The following actions are increasingly important:

- ensuring dispute resolution clauses are realistic, workable, and matched to actual institutional capacity, especially where internal arbitration or committees are named;
- building documentary discipline into governance, including notices, minutes, registers, eligibility decisions, and correspondence trails;
- planning for accelerated dispute timelines, including maintaining rapid response capability for injunction-style applications and urgent hearings;
- conducting periodic governance audits for clubs, leagues, and federations, particularly ahead of elections, licensing windows, and season transitions; and
- aligning litigation decisions with corporate authority requirements, including board resolutions and clear mandates to external counsel.

These steps reduce the risk of being caught off guard by urgent disputes, and they also strengthen a party’s credibility if a dispute reaches the Tribunal.

Outlook: why the Tribunal’s uniqueness is likely to become more important

The SDT’s uniqueness is likely to matter even more over the next few years as sport becomes more commercially complex and as disputes become more multi-layered. Sponsorship contracts, broadcasting, digital rights, betting-related integrity concerns, and athlete representation arrangements can all generate disputes that require fast, sector-literate adjudication. The Tribunal’s ability to combine specialised focus

with public law discipline positions it as an increasingly influential institution in Kenya's sports economy.

At the same time, the Tribunal's approach raises the bar for internal sports justice systems. If internal mechanisms are to remain credible and respected, they must be timely, independent, and procedurally fair in a way that can withstand scrutiny. Where that standard is not met, the Tribunal's jurisprudence suggests it will continue to prioritise effective access to remedies over procedural ritual.

Conclusion

Kenya's Sports Disputes Tribunal is unique because it functions as a specialist statutory forum that resolves sports disputes through a blend of sector understanding, purposive statutory interpretation, and constitutional values. Its recent decisions show a consistent trend toward practical justice, particularly in handling jurisdiction, exhaustion, preliminary objections, and sports employment disputes under Section 58 of the Sports Act, No 25 of 2013. The Tribunal is also reinforcing governance discipline by requiring credible internal processes and proper authority for corporate claimants.

For clients, the practical message is straightforward. Sports disputes in Kenya should be anticipated, planned for, and managed with the expectation that the SDT will be an active forum that can move quickly and focus on substance. Those who invest in governance compliance, contract clarity, and dispute readiness are better positioned to protect their sporting and commercial interests and maintain competitive stability in Kenya's evolving sports market.

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