

ICC Governance Review Submission

8th December 2011

We are making this submission to the ICC governance review because we believe the ICC is not able to completely fulfil its duties as the governing body of cricket within the current structures. On three important issues, in particular, the governance of cricket has been lacking, and the existing structures of the ICC are exacerbating, rather than solving the problems.

Firstly, cricket is slowly globalising, which is a good thing, and something the development arm of the ICC ought to be commended for. Unfortunately, the existence of different membership statuses, and the benefits those statuses convey on members who have them is holding back the development of members outside top circle.

Secondly, the development of domestic T20 leagues has significantly increased the disparity between the market value of players and the ability of poorer test nations and associate nations to meet that value. The long-term consequence of this is likely to be two-fold: players opting out of international cricket, to the detriment of the international game, particularly test cricket; and a significant increase in conflict between player associations and their boards.

Thirdly, the existing system of bilateral touring relations, only partly tempered by the ICC through the FTP, has been designed to maximise the income streams of the richest members, while providing a bare minimum for others. This "tragedy of the commons" approach to scheduling is slowly eroding the value of international cricket by reducing cricket to a meaningless cycle of tours purely to make money, with little context.

None of these issues are new; the ICC itself, various players, current and former, writers and supporters have been discussing them for over a decade. Such an extended period with no progress, and even regression on these issues occurs because no member is willing to risk their short-term cut of the financial pie, in order to make that pie larger in the long-term. If the sporting world remained in stasis, this would be sad, but acceptable. However, the world will not stand still, and the ICC must protect cricket within a competitive global sports market. Some threats exist in the short to medium term that could affect all members and their players.

There is a significant over-reliance on Indian supporters to financially support cricket. That income stream grew rapidly throughout the last fifteen years, as has the Indian economy. However, the growing Indian economy and access to satellite television has brought other sports into the purview of the Indian consumer. Those sports, particularly basketball and football, with their global presence, rich, storied clubs and franchises have made considerable in-roads into the Indian market and are aggressively planning for more.¹ Cricket must be competitively marketed, in the quality of its stadiums, its events, and most

¹ The NBA rapidly developed its fan base in China on the back of the success of Yao Ming. They are pursuing an identical strategy in India: "Having a player from India in the N.B.A. is a question of when, not if. We have no doubt that the elite players from India will emerge." - Heidi Ueberroth, president of N.B.A. International
Thamel, P. "So Much Potential, So Far to Go for Young Basketball Prospect", New York Times, July 16th 2011.

importantly its narratives, where currently it is sorely lacking. Similarly, the NBA provides a salutary lesson in its post-Jordan years which saw ratings decline by almost half.² The Indian fan-base has grown in conjunction with a particular set of players, notably Tendulkar, whose forthcoming retirement could pose a significant threat to world-wide revenue. Cricket must have in place a rich, alternative narrative to offer its supporters lest they turn away. Here again, the ICC has been unable to lead the game satisfactorily.

The remainder of this submission is split into four areas related to corporate governance: the rights and treatment of shareholders (the cricket member boards); the interests of other stakeholders; the roles and responsibilities of the board and its administration; and disclosure and transparency. It will be argued that the ICC is currently both lacking in numerous democratic values, which allows politicking and horse-trading instead of leadership, and that three general reforms ought to be undertaken:

- The granting of voting power to the administrative arm of the ICC on the executive board.
- Official recognition of players associations in negotiations over playing schedules and tournaments, with a preference for voting power on the executive board.
- The establishment of a larger base of ICC tournaments to promote greater financial parity, meaning and context for cricket, and allow the ICC administration to promote and grow the sport beyond its current limitations.
- The greater regulation of players and domestic T20 tournaments to encourage the sort of club and player devotion that other sports enjoy.
- The disclosure of ICC Executive minutes and voting to make member boards accountable to their own membership (cricket clubs, players and spectators).
- To establish a deliberative democracy approach to expand the scope of opinions and knowledge available to the ICC beyond the current mix of former international players.

Rights and equitable treatment of shareholders

Cricket's shareholders are their member boards. However, those boards are themselves comprised of their domestic clubs and representative sides, who are also representatives of local clubs, down to the modest player. Hence, while this is not reflected in decision making, cricket's shareholders are cricket players, international and otherwise, who also comprise most of the spectating public. The ICC is both a form of government, and a corporate organisation, and therefore needs to reflect both the community of shareholders who are the game, and the harsh business realities of global sport.

This conflict of interests is reflected within the current ICC executive board, where full members grasp after opportunities for themselves while excluding other members without the same voting rights. The decision to reduce the size of the world cup enraged the non-voting shareholders: the associate members and the general public; as did too, on a lesser scale, the decision for financial reasons to delay the world test championship. Similarly, the inability of associate nations to progress to test cricket damages test cricket in the long run,

² National Basketball Association Nielsen ratings, Wikipedia

by taking away a potential source of support for it outside the full member nations.

Politics is of course inevitable, but as Bernard Crick argues, it must reflect the power structures of the game in order for the game to be governed effectively:

“Politics then, can be simply defined as the activity by which differing interests within a given unit of rule are conciliated by giving them a share in power in proportion to their importance to the welfare and the survival of the whole community. [...] A political system is that type of government where politics proves successful in ensuring reasonable stability and order.”³

While FIFA's Congress allows every member board a vote, this has its downsides. In cricket, where many members have very limited playing numbers these would be significant, and out of kilter with the sentiments expressed above. Nevertheless, all member boards ought to have the opportunity to provide input, and the situation that has arisen, where competent potential full members can be excluded to preserve political, playing and financial privileges should never occur. To the extent that the decisions made within the ICC are done by democratic bodies, they need be at least as proportionally democratic as the importance of equity in that decision making area.

Financially, most cricket boards are currently dependent on two things: ICC distributions and the selling of tv rights for tours from just three members (India, England and Australia). Both of these are effectively gifts from the ICC executive board, and the exclusion of associate members from those gifts hurts cricket in those nations. Every nation will *not* have equal access to quality tours, as the quality of cricket played is one of the determining factors in spectator interest.

What every nation ought to enjoy, is the ability to play for the right to play those series, while maintaining an element of certainty that their financial future won't be compromised by a few bad results. The ICC fails on both those counts. Test cricket, the pre-eminent form of the game, is compromised by lack of access and lack of interest in low key series. Associate members are impoverished, and weak full members play too many mismatched series when the teams below them would provide better competition.

Similarly, world cup access has been a key plank in developing football in new markets (particularly Japan, Australia and the United States) as global competitions are one of the few times that non-fans can have their interest aroused.⁴ Again, it would be detrimental to the world cup to have a large number of mismatches. But, contrary to assertions, a small world cup with a lot of games between competing teams is not likely to have many fewer mismatches than a larger cup where the weaker teams play each other more, and the interest generated in shorter groups with more meaningful games would provide vastly superior

3 Crick, B. *In Defence of Politics*, Continuum International Publishing Group, 2005

4 Cricket gets limited coverage in major newspapers outside the test nations. World cups are a notable exception, with a major story by ESPN's Wright Thompson in the USA, and shocked disgust following the decision to limit World Cup participation by the Toronto Star's Cathal Kelly. Limiting world cup participation runs so contrary to what we know about global sports development that it can only be assumed that there are elements within cricket's governing body that don't want cricket to expand beyond a paltry collection of former British colonies.
Kelly, C. “ICC’s decision to cut countries from Cricket World Cup a shame”, Toronto Star, April 6th 2011
Thompson, W. “Why You Should Care About Cricket”, ESPN

narratives.⁵

The future development of cricket is compromised by members favouring short-term financial gain that playing more “big” matches repeatedly enables instead of more globally open tournaments. There are many ways to fix this, but they are outside the scope of this document.⁶ Nevertheless, as long as the executive board is comprised of members devoted to their own self-interest, these scenarios (and others like them) will prevail.

Players too, need to have a greater say, to avoid ongoing disputes with boards over the amount of cricket played, and the financial benefits. Conciliating them by including them on the board is a logical step, one that would provide a counter-balance against member board interests, as well as the ICC itself. One of the sad truths of the numerous match fixing scandals that have beset cricket is that the players involved - even former test captains - don't respect their caretaker role within the game. For the well-being of cricket is vital that players feel they have a stake in the game's overall health and future.

The IRB is perhaps the best model for a sport like cricket. It is, like cricket, a highly unequal sport,⁷ but is willing to pursue a global strategy for the good of the sport; plays a 20-team world cup, and will in eight years time host a world cup in one of its "minnows". It achieves this by having a relatively small executive board, with voting rights for its administrative arm - to reflect the values of the global body - double votes to its key members, single votes for its smaller members, and regional votes, for its developing members. The ICC could achieve a similar body with the following structure:

- ICC administration (CEO, president, vice president, cricket committee chairman) - 4 votes
- Major full members (India, England, Australia) - 2 members each
- Minor full members (South Africa, Pakistan, Sri Lanka, Zimbabwe, Bangladesh, New Zealand, West Indies) - 1 member each
- Top-rank associate members - 4 of (Ireland, Scotland, Afghanistan, Canada, Netherlands, Namibia, UAE and Kenya)
- Regional members representatives - EAP, Europe, Asia, America, Africa.
- Players association representatives - 3 member

A board of 29 members, 16 of whom are not full members; 7 of them not national boards, but 17 from within the major powers and ICC - a much more balanced board.

Interests of other stakeholders

Other stakeholders can be broadly lumped into three groups:

⁵ Degnan, R. “Quantifying World Cup Formats”, Idle Summers, <http://idlesummers.com/post.php?postid=1572>

⁶ The principal author has written extensively on this topic, including details for some of the proposals outlined here. They can be found at <http://idlesummers.com/manifesto>

⁷ Statistically, rugby is more unequal than cricket, with more games between teams outside the top-10 and those within and fewer victories.

Degnan, R. “How Large a World Cup”, Idle Summers, <http://idlesummers.com/post.php?postid=1508>

Financial beneficiaries and partners to cricket. Notably broadcasters. There is a perception that the ICC and boards are beholden to broadcasters, and that is a poor perception for an organisation to have. The reality is the broadcasters pay for products the ICC and boards produce, and they pay what they believe they are worth. They are, therefore, primarily interested in the short-term. It is vital therefore, that the ICC is able to make decisions beyond the short-term - board reform is an important plank here - but also to fill holes where broadcasters cannot see a profit.

Cricket Australia have done well here in promoting web-streams of Shield games that otherwise wouldn't be seen. This is cultivating an interest in Shield cricket, it is discussed on twitter, blogs, in a way it can't be if only a scorecard is available. Similarly, the ICC absolutely must produce web-streams for their associate tournaments. It is a disgrace that a football supporter can find coverage of a women's U/16 European tournament on Eurosport, but cricket supporters cannot attain coverage of the 11th and 12th best senior men's sides. Without vision, no-one can watch and no-one will watch. With, and an audience can grow, and eventually pay to watch cricket. The coming World T20 Qualifiers are a perfect opportunity to make use of modern technology to promote the game.

There is a trend too, for broadcasters to try and shut down access to cricket highlights on video sharing sites in the name of "protecting their intellectual property". While the law allows it, the ICC should work to discourage such practices. Cricket highlights help promote the game; if they travel to new audiences, then in the long run they will help the broadcast partners as well. As in all things, what helps grow cricket as a sport is the policy the ICC should pursue.

Players. We have already discussed the importance of placing players into positions of power where their views can be aired. Of equal importance is to regulate players movements. The Champions League, a potentially important tournament is marred by players with multiple eligibility. The emergence of more and more T20 tournaments puts further pressure on international cricket of weaker profitability as players hop from place to place. Optimally, all T20 cricket should be played at the same time (or at least, within each hemisphere, at the same time), so that leagues can develop without conflict with international cricket and supporters can develop attachments to players. Football would not have grown into the global behemoth it is, had it not long ago carved out international and domestic windows. The ICC, as the global body, is the only body that can enforce such rules, and must therefore take a leading role.

The general public are in many ways the most important stakeholder. They, ultimately, pay for cricket, and they need to be not only catered to, but nurtured and developed as supporters. The ICC does a poor job of this for many reasons, but the main one is communication. Very few supporters understand the ICC, its current role and limitations, or why it does what it does.⁸ We will address this further under disclosure and transparency.

Role and responsibilities of the board

⁸ The most persistent mistake made by the public and media regarding the ICC is that it is primarily responsible for scheduling, and therefore "to blame" for two-test series or the glut of ODIs. That perception is prima facie evidence that, at least from the general public's perspective, the ICC *should* be responsible for scheduling.

Much of my discussion to date has revolved around the democratic aspects of the executive board. The administrative arm of the ICC also needs addressing. In a competitive global sporting environment, it is incumbent on the ICC to develop and market the game effectively so as to bring in more viewers, and engage the ones it already has. In the current structure, the administrative arm of the ICC is completely incapable of performing its duties in this respect, leaving them to boards that are sometimes effective, but rarely coordinated.

One aspect of this, obviously, is to give the administrative arm voting rights at board level. The second, and equally important, is to enhance the financial strength of the ICC. The FTP acts currently as a distributor of funds, by guaranteeing tours from various other full members. Many of the organised tours are dead losses financially, and derided as meaningless and pointless by the public and media. The money that flows in because of the FTP could as easily flow via the ICC in larger amounts, if the ICC had the media rights to a significant portion of the cricket calendar. Obviously, certain remunerative tours, and historically important tours are sacrosanct: the Ashes being the obvious candidate.

However, those key marquee tours could be played with only two years of the typical four year cycle, leaving another two for a more meaningful test championship, encompassing qualifying rounds and a final played over a year, with proper home and away series. The qualifying rounds which would allow it to be fully meritocratic: meaning it allows the best associates to be eased into test cricket, based on performance, not status or an arbitrary assessment of what their future development might be; and provides clear on-field incentives in the long form of the game. The final would better reflect the form of test cricket that supporters prefer, while enhancing the "narrative" of the sport, currently sadly lacking.

Similarly, one-day matches ought to be disengaged from test tours to allow more flexible arrangements with better narratives. One possibility is to organise small tournaments (of 6-8 teams), similar to the ATP tour, with teams invited to enter the main event or a suitable qualifying event with each major nation playing 3-4 tournaments per year. If such a world tour culminated in a final it would allow more teams to participate, and also generate interest amongst neutral nations interested in year-end rankings. By contrast, the currently accepted narrative is that one-day games are there to fund test cricket, with no greater meaning than a circus exhibition.

The ICC, like other sporting bodies, has an entrepreneurial role to promote cricket, to develop tournament models and schedules that maximise income and global growth. To achieve this, the ICC needs both an enhanced role in the scheduling process and improved financial status. With increased profits available to the game by having better, more meaningful cricket, the ICC would be able to both redistribute funds amongst the existing full members, and spend more on investment in the future of the sport.

Disclosure and transparency

The ICC is a secretive organisation. Many organisations are; hidden behind commercial

imperatives, but it is dangerous for the game. Secrecy allows corruption to flourish, causes distrust and confusion amongst the game's supporters, and weakens the governing body, for lack of good feedback. A clear example of this was the proposed test match championship, much delayed, the board announced that it wouldn't be releasing details because it would lead to premature criticism. When it was finalised it was poorly received, and poorly thought through, focusing its attentions on the top-4 nations while aiming to help cricket in every nation but those four. Needless to say, when the financial implications became clear, it was rightly rejected by the board, and an opportunity was lost.

Cricket needs better vision than that; it ought not be constrained by existing ideas and prejudices. But to get better vision, it must also look beyond its currently limited sources of feedback: former cricketers, media (many of them former cricketers), broadcasters and marketing surveys. Even a short perusal of cricket forums when structural ideas are discussed shows a wealth of ideas. Many of them are unworkable, though they are in good company, and every proposal is a compromise of sorts.⁹

The ICC board, made up of members who are themselves responsible to their public, needs to be more transparent. Governments, facing the same problem, have systems in place to ensure transparency. Policy is developed through white and green papers, that seek feedback and ideas; select committees faced with particular problems¹⁰ do likewise; votes are made in the open, to ensure that government members are liable to scrutiny. Governments are not alone in taking advantage of public expertise on issues that interest them. The ISO and IETF develop their standards through a combination of expert and public input across multiple stages, generally putting their drafts on the internet for public comment.¹¹ When individuals (even players) from each nation don't know if their own board supported or declined decisions made at ICC level, those nations will continue to make decisions at odds with what their stakeholders want.

The term generally used for a democratic process that explicitly includes input from stakeholders is “deliberative” or “discursive” democracy. It is widely used amongst public bodies whose officials are not direct representatives of the people, but appointed or employed, such as planning bodies. Its primary goals is to enhance the technocratic

9 A full list of the various proposals put forward in blogs and articles would run for pages. Most support some form of tiers, though rarely acknowledging the financial implications that tiers would bring. A proper process of development and consultation would have allowed these issues to be aired and potentially resolved, through the creative efforts of people like those below who have attacked the issue. Instead the debate remains poorly informed and the issue festers. A short list of ideas follows, several of which have with extensive comments:

McKay, B., Meher-Homji, K., Verma, V., Zavos, S. *The Roar Forum: Cricket Test Championship* The Roar
<http://www.theroar.com.au/2010/08/19/the-roar-forum-cricket-test-championship/>

Steen, R. *Two Tier or Not Two Tier?* Cricinfo <http://www.espnricinfo.com/magazine/content/story/521105.html>

Sutherland, A and P. *The Case for a Test Championship*. Cricinfo Inbox

http://blogs.espnricinfo.com/inbox/archives/2010/08/the_case_for_a_test_championsh.php

Wigmore, T. The Third Umpire. <http://third-umpire.blogspot.com/search/label/Test%20Match%20cricket>

10 The implementation of the DRS was so badly managed that it spawned a small cottage industry amongst internet commentators trying to understand how the proprietary systems worked, how the ICC derived its statistical claims, and why implementation decisions were taken. On this issue in particular, there is a large body of cricket supporters with technical expertise that could have contributed meaningfully to the debate, and expanded the potential scope of solutions proffered, yet was ignored. Once again, a short list follows:

Date, K. *The Ball Tracking Chronicle* A Cricketing View

<http://cricketingview.blogspot.com/2011/07/ball-tracking-chronicle.html>

Jonathan *Referral* From the Rising of the Sun <http://rising-of-the-sun.blogspot.com/search/label/referral>

11 *ISO Standards FAQs* http://www.iso.org/iso/iso_catalogue/faq_standards_2.htm

IETF The IETF Process: an Informal Guide <http://www.ietf.org/about/process-docs.html>

expertise of the body with the knowledge of persons with an interest or stake in the issue being pursued, in a manner that engages those stakeholders such that they support (or at least understand) the final decision.

There are numerous advantages to a deliberative democratic approach. If the ICC must persuade the public of the value of its ideas, not pronounce, it opens itself to the idea that those ideas might be wrong, which will lead to good governance.¹² Individuals who engage with the ICC will also come to understand, not just criticise their decisions. The ICC ought to encourage supporters associations, as recently created in England, by starting one, if necessary. Associations develop democracy in the context they operate in. They also provide a legitimacy for decisions in three ways:

- Through the development of efficacy - the feeling amongst members that they could have an impact.
- Through the better dissemination of information - the association can act as conduit, by collecting information from members and better informing and educating members why decisions were made.
- And by developing critical skills amongst members by properly informing them and developing their ability to engage with the actual issues, not perceptions.¹³

Developing legitimacy for the ICC is of vital importance. It is currently perceived as inept, and untrustworthy. Even where the ICC is correct, the public is more likely to side against them, reinforcing the position of member boards working to undermine the ICC. As Fischer argues, public agencies, which the ICC is in spirit, if not form, must develop to have a deliberative, not manipulative relationship with the public to build legitimacy for policy decisions ultimately taken by public officials. Rather than making 'decisions' and 'implementing them' the role is to manage an ongoing process of public deliberation and education.¹⁴

Conclusion

Cricket faces many issues, and the ICC must be up to the task of handling them. It has failed to do so, partly through its own weakness, but mostly because it has a structure that encourages graft, not the development of the sport. Issues related to governance are not national issues, they apply across boundaries, and supporters of the game are united in their view that the ICC needs reform. As a supporter of cricket, a writer on cricket, and a promoter of cricket, even if a minor one, we want to see the sport blossom into what it can be.

The short message is that other sports are better governed, not always without corruption, not always in the best interests of the spectators - witness the NBA lockout - but their global growth outstrips cricket, despite cricket being by far the superior game. They do so because they are open to ideas, they get the best people in their administration and on their board, and they pursue the goal of growth and development relentlessly, instead of haphazardly, by encouraging others to take up the sport, not turning up their nose and belittling them as too

12 White, E. *The Context of Human Discourse: A Configurational Criticism of Rhetoric* Univ. of Sth Carolina Pr. 1992

13 Warren, M. *Democracy and Association* Princeton Univ. Pr. 2001

14 Fischer, F. *Reframing Public Policy* Oxford Univ. Pr. 2003

many people wish to do to minor nations, and by looking to the long term, not short.

A better structured ICC board, more transparency, and some much needed structural changes to the scheduling and finances of cricket are what cricket needs, and possibly must have, if it is to be what it ought to be: a global sport for all.