

CASE STUDY

ICC's Code of Conduct and political interference in cricket: inconsistent stances

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Abstract

This case study examines the International Cricket Council's (ICC) suspension of Zimbabwe Cricket in 2019 on the grounds of political interference in its administration. It unpacks the contradictions in the ICC's code of conduct, exploring its double standard regarding the explicit contract of participation in the game. It considers the ethical problems with ICC's ruling and the potential victimisation of Zimbabwe an example of inequity in the global body's organisational culture. The ICC's administration is based on a coherent set of ethical principles that should be uniform for every member, but which, on closer examination, often demonstrates norm-divergent behaviour.

Keywords: cricket, ICC, ethics, sanctions

Introduction

In 2017, the International Cricket Council (ICC) revised its code of conduct to strengthen its opposition to political interference in cricket. ICC membership now entailed that a cricket-playing nation "must at all times manage its affairs autonomously and ensure that there is no government (or other public or quasi-public body) interference in its governance, regulation and/or administration of Cricket in its Cricket Playing Country (including in operational matters, in the selection and management of teams, and in the appointment of coaches or support personnel)" [1]. This decisive change befitting a "learning organisation" resonated with the ethical policies undertaken by other global sports governing bodies such as the *Fédération Internationale de Football Association (FIFA)* and International Olympic Committee (IOC) [2]. These organisations suspend a national team if they find the country's government to have subverted the autonomy and integrity of sport by controlling the actions of athletes and administrators. The concerned member associations are banned for a period of time to get their house in order. Following a review of their administrative practices after the set deadline, they are allowed back into international sport or given additional time to restructure their governance. This is a significant ethical issue because the understanding of "positive" intervention (funding, encouragement) and "negative" interference (using political proxies in administration) is highly subjective. Nearly all members ever suspended for political interference have been non-western, non-white countries whose social and political structures bear little resemblance to the countries in which these decisions are made. The ICC first exercised this regulation at their annual conference in London on July 18,

2019, when they suspended Zimbabwe Cricket (ZC) on account of the Zimbabwean government's interference in cricket.

The ICC took this decision as Zimbabwe's quasi-governmental Sports and Recreation Commission (SRC) withdrew its recognition of the ZC board elected on June 14 and appointed an interim committee for a forensic audit of the board's finances and investigation into charges of corruption and malpractice against board members. The ousted board chairman, Tavengwa Mukuhani, petitioned the ICC to sanction Zimbabwe for overturning the outcome of what he regarded as a transparent and democratic election. The ICC considered the rationale from both sides and swiftly decided that the SRC represented the government of Zimbabwe, despite vehement protest from the latter to the contrary. It, therefore, concluded that SRC's action constituted undue political interference and banned Zimbabwe until the elected board was reinstated. As a result, the cash-strapped national cricket association lost out on ICC's annual funding for its cricket operations, and the Zimbabwe men's and women's teams' participation in international cricket became doubtful [3]. The salaries of domestic cricket players were suspended immediately and indefinitely. Both the men's and women's teams were expelled from the T20 World Cup qualifiers of 2020. These setbacks compelled the SRC to reverse its stand on the previous board by the deadline of October 8, 2019, following which the ICC restored Zimbabwe's membership [4].

Zimbabwe's suspension is an important case study for understanding the practice of professional ethics in global sports governance, especially the code of conduct and organisational culture within the ICC that receives scant attention in sports integrity literature. The code of conduct serves as a comprehensive tool for managing risks within the organisation and external communication regarding values and principles. It defines standards for appropriate behaviour, provides guidance, encourages compliance, and assesses accountabilities. In addition, a specific form of ethical code is focused on stipulating the behaviour expected from high-level decision-making actors within sport organisations [5].

However, there is little work on the interpretation of the code of ethics in the governance context — the extent to which the global custodians of sport act consistently in their implementation of the code of conduct. Understanding the

context and consequence of the suspension is important for two reasons. First, any alleged contradiction in the ICC's behaviour would make them guilty of breaching the explicit contract of participation in the game. Second, any double standard in the ICC's ruling and the potential victimisation of Zimbabwe would be considered an example of inequity in organisational culture. The ICC's administration is based on a coherent set of ethical principles that should be uniform for every member, but which, on closer examination, often demonstrates norm-divergent behaviour. Therefore, the suspension provides insights into the political and ethical responsibilities of sports governing bodies and national governments.

The suspension crisis

The problem began as the newly appointed SRC chaired by the Zimbabwe president's son-in-law, the lawyer Gerald Mlotshwa, asked ZC to suspend its Annual General Meeting (AGM) on June 14, 2019, until it had probed several allegations of financial irregularities and of the board's violation of its own constitution [6]. ZC went ahead with the election, leading to Mukuhlandi and his associates retaining their key positions in the board. On June 22, the SRC announced the suspension of the Mukuhlandi-led board for defying its order, and installed an interim committee led by former ZC chairman Dave Ellman-Brown in its place. The committee was given the responsibility to examine and supervise matters of cricket administration, including organising of an elective AGM and a financial audit, and setting the stage for electing a new board by September 15, 2020 [7].

The turn of events illustrates the SRC's conviction of having acted within the law and in the best interests of cricket in the country. Mlotshwa remarked that the country's law empowered him to investigate into certain office bearers who had been the "subject of allegations involving fraud, exchange control violations and other acts of corruption and criminality related to the monies and assets of Zimbabwe Cricket and the International Cricket Council" [7]. Most importantly, his statement referred to two occasions in the past in which the SRC had suspended board officials and members without consulting the ICC. Therefore, the sanction of the ZC was not unique, and was supported by Section 19 (a) and (b) of the SRC Act that the ZC disregarded [7]. Section 19 (a) and (b) state that the SRC was empowered to preside over sports and recreational organisations. Yet, the SRC suspected that the ICC would interpret these actions as political interference.

On June 24, 2019, the suspended board members, including the acting managing director Givemore Makoni, filed an appeal with the Administrative Court and an urgent application with the High Court asking for a deferment of the SRC's decision. Mukuhlandi claimed that Mlotshwa had a "personal vendetta" against him and refused to cooperate with the new audit, saying the SRC would dishonestly arrange

a "predetermined outcome" to discredit them [8]. On July 5, as the High Court dismissed the case, Mukuhlandi petitioned the ICC to intervene [9]. The intervention led to the sanctioning of Zimbabwe, and then further threats of termination of the country's ICC membership unless the elected board was unconditionally restored by October 8 [10]. Since the ICC's communication was addressed to Mukuhlandi, the SRC initially refused to act on their demand, saying the suspended ZC board was responsible for clearing its charges of misconduct and fraud [11].

The SRC relented soon enough and relinquished its authority to the elected board members. Mlotshwa held meetings with Mukuhlandi and Lloyd Mhishi, mediated by the Youth, Sports, Arts and Recreation Minister, Kirsty Coventry, to satisfactorily resolve the impasse [12]. As it reversed its ruling, the ICC readmitted Zimbabwe as a member on October 15. Mukuhlandi was cleared of all allegations, and strengthened his position by stabilising ZC's finances in the following years. He contested the position of ICC Chairperson, served as the Vice Chairman of the Africa Cricket Association and in the ICC Audit Committee and the Finance and Commercial Affairs Committee, and chaired the ICC Membership Committee [13]. As a result, his persuasive correspondences with the ICC and successful arm-twisting of the SRC were largely forgotten, while the irregularity of ICC's definition of political interference was not interrogated to any substantial extent.

Ethics of ICC's policy

The ICC's effort to establish a strategic policy regarding political interference became evident considering its past disregard of numerous allegations of the Robert Mugabe-led Zimbabwe African National Union — Patriotic Front (Zanu PF) party's meddling in Zimbabwe cricket. In 2003, the ICC top management stood silent as Andy Flower and Henry Olunga were expelled from the team for criticising the president. In 2005, it did not impose any sanction when captain Tatenda Taibu fled the country after he and his family received multiple death threats from people, including senior politicians, for complaining about players' contracts [14]. The key ZC administrator at the time was Peter Chingoka, whom the journalist Peter Roebuck called, not without justification, a "consummate political operator [who] belong[ed] with the vipers" and "a chameleon", who colluded with the most powerful faction of Zanu PF. Roebuck further criticised the ICC as a body that liked to "pick and choose its tyrannies" [15]. UK Labour Member of Parliament, Kate Hoey, alleged that Chingoka used VIP pavilions at international matches "to host the Zanu-PF politicians, CIO (Central Intelligence Organisation) operatives and senior army officers on whom he relies for protection" [16]. Chingoka was refused a visa by the UK, the European Union and Australia for his close links to Mugabe's regime [17]. The ICC's acceptance of Chingoka highlighted its inability to secure the integrity of cricket and maintain group effectiveness as an organisation.

The ICC had no problem with Chingoka's alleged proximity to a regime with a well-known record of restricting civil liberties, authorising police repression of dissent, nativism, and large-scale crimes against humanity [18]. The Zimbabwe government had held football in a stranglehold for its political benefits [19]. It did not use cricket as a tool for mobilising political support as blatantly, but ZC's office-bearers had both passively accepted the government's mandates and been engaged in national politics for a long time [20]. After Chingoka's death in 2019, even while the ban against ZC remained, ICC Chief Executive Manu Sawhney extolled him as an important leader in cricket and a "respected member of the ICC Board", which shows that the ICC's ethical sensitivity even after the 2017 code of conduct came into effect was determined by the interests of the top leadership rather than a strong organisational commitment to integrity [21]. In this context, the ICC's prompt response to Mukuhani's complaints as a valuable ally and its enabling of his rapid ascendancy in world cricket, as well as the refusal to explore the nature of SRC paternalistic interference, suggests that its moral duties were hijacked by its own political needs. This lack of moral concern undermined the ICC's own regulative rules of ethics in cricket.

Zimbabwe's response

Former Zimbabwe Minister of Education and Sport, David Coltart, blamed the ICC for having ignored the copious evidence of corruption in ZC that he had provided to the ICC CEO Dave Richardson in 2013, and for restoring the same corrupt officeholders to power, instead of ordering and supervising fresh elections [22]. As a statutory body, the SRC was empowered to enact specific laws or regulations on behalf of the Zimbabwean government. It consisted of a chairman and five to nine other members appointed by the Minister of Sports and agreed upon by the President [23]. SRC's appointment of the interim committee did contravene the ICC's constitution and gave the ICC the right to suspend ZC for political interference. However, the ICC did not examine the legitimacy of the SRC's claims of ethical leadership in any depth, choosing instead to act on behalf of a controversial cricket administrator who was also a Zanu FC politician. In spite of being a trustee, it disregarded a golden opportunity to delve deeper into Zimbabwe's longstanding problems and help create a framework of good governance.

Furthermore, Mukuhani's election as the Zanu PF MP from Mhondoro-Ngezi in 2018 served to bolster the party's continuous hold on Zimbabwe cricket. The Zimbabwean media reported demands for Mukuhani to step down from his ZC position to prevent cricket becoming increasingly entangled in political matters [24]. The ICC's failure to take into consideration the voices from within Zimbabwe calling for the cleansing of ZC displayed an abject inability for good governance. Prominent former cricketers, Taibu and Grant Flower, had severely criticised the ICC's contradictory stance on the SRC ruling [25, 26]. In sharp contrast to the ICC's inaction when the UK government refused to let the England

team play in Zimbabwe — which is clear political interference in the board's decision — the 2017 suspension demonstrated the organisation's double standards in dealing with different boards.

Continuing inconsistency after Zimbabwe

The ICC subsequently reviewed other instances of political meddling in the cricketing affairs of its members, imposed bans, and tried to resolve conflicts between politicians and sport administrators. Its failure to address a similar issue in 2018, when the Kenyan government decided to dissolve Cricket Kenya for failing to comply with the Sports Act no. 5 of 2013 [27], highlighted a glaring inconsistency in its ethical stances. In 2023, when it suspended Sri Lanka, the national teams were still allowed to compete [28]. These inconsistencies undermined the ICC's pretensions to distributive justice and its cherished role as cricket's ethical compass, highlighting its misunderstanding of political affairs, tendency to pass uninformed resolutions, and patronising attitude towards countries that contribute little to cricket's revenues. This case study seeks to provide empirical support to the criticism that the ICC does not recognise this double standard and targets individuals and governments who claim to cleanse cricket of corruption, but in a manner not suited to the ICC's mandated goals. This model of policy implementation lacks fairness and appears to raise more questions than it answers.

While the governing body has made efforts to establish guidelines and regulations, its responses to ethical violations are reactive rather than proactive, with some cases being handled with apparent leniency or delayed action, creating a perception of selective enforcement. The lack of a clear, consistent framework for addressing ethical breaches and ensuring transparency has undermined the ICC's credibility, fuelling concerns about its commitment to upholding the values of integrity, fairness, and accountability in the game. This inconsistency not only erodes trust among players, officials, and fans but also jeopardises the long-term reputation and future of international cricket. The ICC must define political interference with a greater recognition of the complex interplay of national laws, the regulatory function of government, and the moral and legal right to control the environment of sport.

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