



## **POSITION PAPER OF THE WEST INDIES CRICKET BOARD**

### **(In response to the recommendations of the CARICOM Review Panel)**

#### **Introduction**

1. On Saturday, December 12, 2015 The Board of Directors ('the WICB' or 'the Board') met with Mr. Anthony W Astaphan SC, to review the Report and Recommendations of the Review Panel, appointed by CARICOM, and the implications for the way forward by the WICB.

#### **Observations by the Board**

2. In the course of the review and discussions the following concerns were noted:<sup>1</sup>
  - 2.1. The limited scope of the interviews conducted by the Panel. The Presidents of the Territorial Boards expressed concern that neither they, nor members of their respective Boards were interviewed or consulted by the Panel. Additionally, none of the independent Directors were interviewed by the Panel. This failure to consult with a representative variety of local cricket administrators and operators meant, or had the consequence of, denying the Panel a full opportunity of ascertaining the key facts. This has caused or triggered findings and recommendations by the panel which are not supported by the facts;

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<sup>1</sup> Again, this list is not intended to be exhaustive.



- 2.2. The Panel made statements and conclusions related to the structure and governance of the WICB, while ignoring the sweeping structural and governance changes which have taken place at WICB since 2000<sup>2</sup>;
- 2.3. Great focus was placed on connecting WICB governance directly to the on-field performance of the senior team. This team is selected by a Selection Committee comprising cricket legends. The team consists of the best players available for selection and consists of men, not boys. The Players are well supported, are comparatively well paid as professionals<sup>3</sup>, and have an obligation to produce their best efforts consistently. It is therefore wrong to blame “governance” of the WICB for the team’s performances on the field. This missed not only the initiatives put in place by the Board. In any event the WICB was not given the credit when the team won the ICC Champions Trophy ten years ago, or the T20 World Cup just three years ago.
- 2.4. Little, if anything, was said about the significant strides in youth development and other aspects of West Indies cricket, including women’s cricket. It should be mentioned that the Panel made much of the absence of a Women’s Cricket Test Team. But the records show that there has been at least one (1) test match played by WI Women in 2005. The facts are that Test matches for women are not common internationally.

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<sup>2</sup> Details will be set out below

<sup>3</sup> Research available to the Board shows that they paid in the top 5 percentile of Caribbean professionals.



- 2.5. Women's cricket has come a long way since then, with players being contracted year-round for the first time and significantly improving our world rankings.
- 2.6. The Panel relied on the one-year old abandoned Indian Tour matter, and the more recent disciplinary action resulting from the inappropriate public comments by the Coach, as matters which can justify their wide ranging assumptions and recommendations. The Board is of the view that the Panel got the facts wrong in both matters and therefore arrived at unjustified conclusions. For example,
- a) The facts surrounding the cancellation of the tour are now public knowledge and it is well known that the Indian tour was not cancelled or acquiesced by the WICB; and
  - b) The matter of the Coach concerned his own irregular conduct and his breach of provisions of his contract. The matter was appropriately, and some believed leniently, dealt with by the Management, and supported by members of the Human Resource Committee. This was not a Board decision as was assumed by some in the media and the panel. The coach admitted that he had erred and apologized to the CEO and WICB publicly. The panel seems to have ignored the facts in this matter and drew conclusions based mostly on misguided and erroneous media reports.



- 2.7. The Panel's statement that it "has no difficulty with persons on the Board of Directors", while at the same time recommending the immediate dissolution of the entire Board as a prerequisite for moving forward. This begs the question of whether the implementation of the panel's recommendations, with or without the resignation of the Board, would lead to the immediate and dramatic improvement of the players' performance on the field of play. While the Board is ultimately responsible for the performance of all of the West Indies Cricket teams, members felt there is no objective basis for this assumption or apparent leap of faith.
- 2.8 The ongoing erroneous assumption by the panel that the critical issue of unsatisfactory player performance on the field is directly related to the existing governance structures of the WICB. The record shows that several best practices initiatives have been put in place to improve the quality of player development and preparation, and employment conditions of all West Indian Cricketers. For example, after just a relatively short period of implementation, it is already clear that the CPL and the new PCL will make a significant difference to the professionalism and performance of the teams going forward.



## The Post 2000 changes

### Improvements beyond the boundaries

3. During the review meeting, Members of the Board determined that the following facts which have occurred since 2000, but which do not appear to have been considered by the Panel, must be recalled and made part of the record. For example, <sup>4</sup>

- 3.1. In its efforts to improve on the issues of governance and accountability the Board has in fact appointed independent Directors. There are presently four (4) independent Directors on the Board. Pursuant to this policy CARICOM itself was invited to recommend a regional person to be an Independent director. Mr. Richard "Ricky" Skerritt, a former Minister of the St. Kitts & Nevis Government, was then nominated by CARICOM. Thereafter Mr. Skerritt was unanimously appointed to the Board in 2015 by a special resolution of the Board. This was just one small step in the attempt by the WICB to strengthen governance by creating a cadre of 'independent' directors. The Board found it to be curious that the CARICOM Review Panel chose not to interview Mr. Skerritt, a former Rhodes Scholar and West Indies team manager who has both an impressive public sector record and significant corporate background;

- 3.2. WICB independent Directors are not selected arbitrarily. The name of each independent Director is submitted to the Corporate Governance and Nominations Committee (CGNC)

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<sup>4</sup> This is not intended as an exhaustive list



along with a recent copy of the proposed director's CV and a recent police record. The CGNC then determines whether the Director meets the fit and proper test. If there are more than four (4) nominees, the names are placed on a ballot and a vote is taken. Each Member Director, and the President and Vice-President vote on the nominees.

3.3. Currently, the other independent Directors on the present Board are:

- a) Mrs Jennifer Nero, the Managing Director of the ECCB;
- b) Don Wehby, Group CEO of Grace Kennedy Ltd; and
- c) Clifford Reis, Chairman/Managing Director of Banks DIH Ltd.

3.4. Other very distinguished and competent Caribbean persons were at one time or the other, Members or Directors of the WICB including:

- a) Sir M. Alister McIntyre, Grenadian economist, outstanding academic and a great social thinker of his time;
- b) Mr. Grenville Phillips, a leading corporate financial practitioner in Barbados;
- c) Renowned accountant Mr. Ken Hewitt;
- d) Teddy Griffith, Former President, retired banking and business executive; and
- e) UWI Pro Vice Chancellor, Professor, Sir Hillary Beckles among others.



- 3.5. A number of stakeholders, including CARICOM, are invited as non-voting shareholders to attend the Annual General Meetings of the Company. The Articles of the Board were amended to include these persons as Special Members of the WICB.
- 3.6. The Board has always welcomed feedback from, or discussions with the stakeholders at the AGM or elsewhere.
- 3.7. The Board of Directors has established a number of active committees and leadership positions namely:
- a) The Governance and Nominations Committee
  - b) The position of Chief Executive Officer. Previously the Board met twice annually and would decide on all matters concerning the administration of the WICB. This was but one attempt to modernize the management and structure of the Board.
  - c) The Chief Executives Committee comprising the Chief Executive Officers of the Territorial Boards and franchise companies of the respective territories;
  - d) The position of Director of Cricket. A professional with considerable experience has been appointed to assist with the development of West Indies Cricket;
  - e) The Cricket Committee;
  - f) The Human Resources Committee. This Committee ensures among other things, that senior management



posts are extensively advertised and/or headhunted and that applicants go through a rigorous process of review and interviews before selection is made. This committee is also responsible for ensuring that performance appraisals of professional staff are carried out.

- g) The Selection Committee. This Committee comprises former West Indian test cricketers only.
- h) The Audit Risk and Compliance Committee. This is chaired by Mr. Don Wehby, Group CEO of Grace Kennedy Ltd. Mr. Milton Samuda, an attorney with considerable experience in sports law, is also a member. Mr. Samuda is also the former President of the Jamaica Chamber of Commerce
- i) The Medical Committee. This committee of top Caribbean Sports medicine related professionals is responsible for introducing global best practices, including a Board approved competitive fitness standards policy which is now being implemented.
- j) The Fixtures Committee;
- k) The Disciplinary Committee;
- l) The Ethics Committee.
- m) The Grounds Committee;

3.8. It is these Committees which make recommendations for new policies to the WICB, thus ensuring that no individual at the Board level can. They also advise management and the



Board on industry best practices. and it is these Committees which are given the authority to micro manage West Indies Cricket and are answerable to the Board;

- 3.9. Annual General Meetings ('the AGM') are held on time and are properly conducted with the assistance of Auditors. The Audited financials are submitted to the AGM and the WICB accounts for its actions to the shareholders and stakeholders at this meeting.
4. Further, the WICB member directors noted that reference was made to the Lucky Report in the Terms of Reference, but no mention is made of it in the Committee's Final Report. It seemed curious that no mention was made by the panel of the fact that the Lucky recommendations were all implemented by the WICB.
5. Further, the Panel referred to the Wilkin Report and the Patterson Report. But no reference was made by the Panel to the significant number of recommendations from both Reports which have already been implemented by the WICB. It was further noted and accepted at the meeting that the Board is under no obligation to accept every or all recommendations made to it by any person or body. With goodwill to, and respect for, all, the Board reserves the right to make decisions, which it considers most appropriate and reasonable, and in the best interest of West Indies Cricket.
6. Regrettably, none of the above appears to have been considered or mentioned by the panel.

### **Attempts to improve cricket within the boundaries**



7. Members restated their commitment to using cricket-related best practices and policy decisions to solve on-field cricket problems. The sport in question for which WICB is regionally responsible is 'cricket'. In this regard, The WICB has recruited a four-person Selection Committee headed by former Captain, Clive Lloyd, a professional Director of Cricket and staff, professional Coach and supporting staff of ten specialists. This makes available nearly 20 cricketing professionals who are dedicated to the full time preparation and well-being of the senior team alone.
  
8. The WICB also executed or offered the following to and for the purpose of the players:
  - 8.1. Retainer contracts;
  - 8.2. Windows to participate in the IPL and other international high-paying T20 tournaments;
  - 8.3. An individual performance incentives program which was rejected by WIPA;
  - 8.4. A team-performance based contract in which an average is applied or prevent players losing in any bad year or series;
  - 8.5. A professional franchise system for first class cricket;
  - 8.6. The Caribbean Professional League ("CPL"), the highly acclaimed T20 professional league which is entering its fourth year.
  
9. Further the Director of Cricket Richard Pybus has prepared what is referred to as "the WICB 19-point Development Plan". The Board has approved the WICB Development 19-point plan as recommendations for the improvement of West Indies Cricket. The



recommendations included the PCL and its newly established franchise system.

10. The Board of Directors therefore hold the view that it has already put in place and implemented recommendations which are geared to creating the conditions for the medium to long term improvement of West Indies Cricket and player performance. The Board wishes to emphasize however that the focus of its medium to long term is the development of players at the senior team level. This is absolutely necessary for the long term benefit of the game especially as some top players do not or did not make themselves available for Test selection. These players must be given the chance. However, the Board also accepts that the performance of the senior team is a matter of considerable concern to it and all West Indians. This was therefore addressed at the last meeting in St Lucia and will continue to be addressed as a matter of urgency by the Board in the days and weeks to come.
11. These are important facts which show the Board's commitment to West Indian players

### **The Report and Its Recommendations**

12. In view of the above the WICB expressed the view that it would not be possible to accept all of the findings or recommendations of the Panel. The findings upon which the recommendations are made simply do not reflect the current situation or facts.
13. There are however additional reasons why the findings or recommendations of the Panel could not be accepted. The



dissolution of the Board is simply not a viable legal or practical option and carries a major financial risk which the panel either ignored or was unaware of. In addition, the recommendations indicate that the Panel is recommending the establishment of an Executive Board with powers to micro manage West Indies Cricket. This would be contrary to the present legal structure of the WICB and the significant governance advancements made since 2000.

14. Further, the WICB and in particular the Presidents of the Territorial Boards ('TBs') expressed deep concern that they were not consulted or interviewed and that the Panel's recommendations would lead either to the elimination of the TBs or a radical alteration of their status and rights as shareholders of the WICB. The Presidents also expressed concern that the Panel made no mention of:

- 14.1. The efforts of many of the TBs;

- 14.2. The failure or inability of several CARICOM member Governments to provide the necessary financial and other relevant assistance for the development of local cricket in the respective territories;

- 14.3. The report made little mention of the role the respective Governments of CARICOM ought to play to encourage and facilitate the development of cricket, on and off the field of play. The implication or suggestion of the panel and indeed many who speak on West Indies Cricket that sole responsibility for development lies with the WICB was not accepted by the meeting. This is a shared responsibility. The Board therefore agreed at the meeting in St Lucia that the



fullest partnership and co-operation between the WICB, TB's and the local private and public sectors including the Governments is critical to the further development of West Indies cricket, and must be pursued by the Board.

14.4. The meeting consequently expressed deep regret that the CARICOM panel found it necessary to make such an unnecessary and intrusive demand, calling for the immediate but impractical dissolution of the Board. The meeting felt that instead the panel should have focused on, among other things, the need for growing private-public partnerships at the local and regional levels in the interest of West Indies cricket development going forward.

### **The Way Forward**

15. The Board's rejection of the Panel's recommendations does not however mean that the WICB does not accept the need for further change. It does. But the ongoing discussion and further change decisions to move West Indies Cricket forward must be based on mutual respect, the facts, and a firm understanding of the status, developments and achievements of the WICB to date. Therefore, the Board of Directors will:

15.1. Appoint a Subcommittee, to include independent directors, to review the few recommendations from the Lucky, Patterson and Wilkin Reports which the WICB has not already implemented, and to advise on whether any such recommendation, ought to be reconsidered by the Board of Directors;



- 15.2. Thereafter, to appoint a change management expert to review the recommendations of the Subcommittee; the present structure and management system; and the Committees of the WICB and TBs. The expert will also advise on recommendations which ought to be considered by the Board to improve the governance, management and administration of cricket.
  
- 15.3. Take immediate steps to improve communications through various media and methods including direct communication with shareholders, Governments, stakeholders, Legends and former West Indies Cricketers and the public by the Board and TB's on matters concerning governance and cricket.
  
- 15.4. Take steps to initiate discussions with stakeholders on and to assist with the development of cricket in the territories especially at the school level.
  
- 15.5. Take steps to ensure the wide public distribution of audited financial statements and other reports, once approved by the Annual General Meeting and in so far as other reports are concerned, by the Board.
  
- 15.6. Review the present situation with Women's cricket in the West Indies and design a framework for the further growth of the game.



- 15.7. Immediately review the present situation and circumstances surrounding and concerning the performance of the players of the West Indies Team including the role of the Coach and supporting staff, the Selection Committee and criteria for selection to the West Indies Team.
  
- 15.8. Review the implementation of the PCL, CPL and NAGICO Super50 tournaments at the end of the current cricket year, with a view to creating greater operational and financial synergies while adopting best practices for raising the standard of on-field performances in all three forms of regional cricket.

#### Conclusion

16. Through this medium, the WICB therefore thanks the CARICOM Committee for its desire to see West Indies win again, and the panel for its thought-provoking report. However, in view of all of the matters mentioned in this paper the WICB respectfully rejects the panel's demand for dissolution. Nevertheless, WICB would like to assure all concerned that we are serious about embracing change for the betterment of West Indies Cricket. WICB hereby asks for the patience, co-operation and partnership of all stakeholders, including CARICOM member Governments, as it seeks to put in place the various matters mentioned above, to bring about the improvements which are required to move West Indies Cricket forward to the highest possible level of success.

Wednesday, December 23, 2015  
President  
West Indies Cricket Board Inc.