

## **2016 – REGAINING THE TRUST OF CLEAN ATHLETES**

**DELIVERED BY PRESIDENT OF THE WORLD ANTI-DOPING AGENCY  
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### **Tackling Doping in Sport**

**London, 9 March 2016**

#### **Introduction**

Good morning. Thank you for the invitation to speak to you at this conference, a conference with such an impressive array of contributors. I look forward with great interest to the debate over the next two days and, if you will permit me, I would like to add a sub title to the theme of this Conference: *Regaining the Trust of Clean Athletes* might well be the overall title of Tackling Doping in Sport 2016.

Ladies and Gentlemen, the public's confidence in sport was shattered in 2015 like never before. The public mood has soured, cynicism has prevailed: there is a general feeling that 'they are all at it'.

We have seen criminal arrests of FIFA executives over corruption and bribery; systematic doping in Russia and serious anti-doping and governance failures at the International Track and Field governing body, the IAAF; even tennis has been affected by claims of match-fixing at the highest level, and with some umpires involved in corruption.

Our backs have been pushed up against the wall. Athletes and millions of sports fans worldwide are demanding answers. *This is not sport*, they say.

With knowledge of these wrongs, however, we can set things right through robust anti-doping programs and good governance, and I expect that these two areas will prove to be the central focus of this Conference.

#### **World Anti-Doping Code – the answer to the issues**

The 2015 World Anti-Doping Code, through significant enhancements, provides answers to help us right these wrongs – but they *must* be practised well by *all* partners if we are to detect doping, deter and, most importantly, prevent future generations of athletes from going down that path. Accompanied by good governance, we can ensure that there exists no conflict of interest for these organizations, either perceived or real.

The 2015 Code provides for longer and tougher four-year sanctions for first-time cheats; it encourages smarter testing not least under the Technical Document for Sport Specific

Analysis; it stresses enhanced values-based education; it allows for substantial assistance from athletes and protects whistle blowers better so that we encourage them to come forward. And, yes, it puts a much greater emphasis on intelligence-led inquiries.

These are all areas to be discussed at this Conference – they are key debates for anti-doping in 2016. The Code offers us real clout if we use it effectively: these are all quality-based changes that we can collectively use to protect clean athletes, and in turn give them – and the wider public – greater belief in the system. The athletes deserve it at this time.

WADA *is* both the anti-doping regulator and a collaborative partner. We help our partners achieve quality practice. Part of this, is the development of strengthened compliance system – which is an important issue to which I will return in greater detail a little later.

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The Code offers us much – but let me deal with one issue that has been in the public domain of late: life bans for first time offenders. This is *not* the answer.

The subject of life bans was fully debated during the Code revision process, and indeed an opinion was requested from a former president of the European Court of Human Rights (ECHR), Judge Jean-Paul Costa. Judge Costa clearly said that lifetime sanctions for first time offences would not be proportionate and that they ran the risk of being dismissed by courts.

Though we are flexible in anti-doping, the anti-doping world and all stakeholders agreed to an enhanced Code with longer four-year sanctions in Johannesburg in 2013. This is a settled sanction that not only was agreed upon by all but will hold up in a court of law.

We are open to debate, but let us use the good powers we already *have*, and let us use them *better*. Let us not waste time in having cases challenged in the Courts – it's simply not a good use of our finite resources.

### **Independent Commission Investigation**

Let me now touch on *that investigation* – the Independent Commission Chair Dick Pound will speak in more length on this afterwards, but allow me to state a few home truths.

Although it was very unsettling to the world of sport, the Commission's Investigation proved to be a significant success – and it demonstrated the role that investigative work can play in modern-day anti-doping.

The 2015 Code gave us the power to investigate – and I'm pleased to say that we used that power to the fullest. And did so immediately.

Dick and the Commission should be commended for the thorough job they did in uncovering some uncomfortable findings. Those findings were shocking and appalling, but I do not wish to dwell on those myself; they will be discussed here on stage after I have finished. Now, we must focus on righting the wrongs.

On the topic of commendations, I was dismayed to read once again this past week that some believe that I, personally, have not shown enough gratitude to the Stepanovs, the Russian couple that, with the help of investigative reporters, courageously brought the Russian revelations to light.

While I have publically thanked the Stepanovs for what they exposed; it's true that I did not personally reach out to them. I did however ensure that key members of WADA's management team were in contact with the Stepanovs before, during and after the Independent Commission's investigation. And that separately, and until now privately, I ensured that the Agency demonstrated its support by:

- Facilitating their relocation;
- Providing financial support; and
- Appealing to the IAAF and the IOC that Yuliya be readmitted to compete in major international competitions.

For the record, I, WADA, the anti-doping community and clean athletes of the world are very grateful to the Stepanovs for their contribution.

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WADA and its partners immediately adopted the major recommendations from the Commission's Report. We:

- Provisionally suspended the Moscow laboratory & asked the lab to remove from post its then Director;
- Requested that the IAAF suspend the Russian Athletics Federation, ARAF;
- Declared RUSADA non-compliant, and immediately began the task of overhauling their anti-doping program.

We should remember that the IAAF's misdeeds described in the Report were under pre-2015 Code rules. Crucially, the Commission and WADA's independent Compliance Review Committee reviewed the Report and considered there to be no situation of non-compliance with the 2015 Code.

I think it is also important to note the range of other recommendations made to WADA by the Commission, which we have taken on board. This included:

- Strengthening policies on compliance;
- Creating an independent mechanism to deal with compliance issues;
- Insisting that data is provided for use in WADA's ADAMS system;
- WADA developing and implementing a whistleblower assistance and protection policy;
- And a range of other issues dealing with suspicious test results; test distribution plans; temporary administrative sanctions against Russia; amendments to the International Standards, compliance audits under the UNESCO system; improvements to the laboratories; and providing sufficient staff and resources for further international investigations.

I am pleased to say that the IAAF has also begun its vital reforms, and as a collaborative partner WADA will offer them a chance to achieve those and in doing so will help the organization regain the trust of clean athletes and the public worldwide.

WADA has also begun the work needed if RUSADA is to regain its compliance:

- A UKAD partnership with RUSADA is in place to ensure that targeted and intelligence-led testing is carried out during the period of non-compliance so that athletes get tested in Russia while RUSADA is non-compliant.
- Separately, WADA is assisting RUSADA in its efforts to regain compliance. To do this, we are involved in the restructuring of the organisation and we are appointing two independent, international experts to be in Moscow in order to oversee RUSADA's transition to Code compliance; we have also requested that RUSADA include an independent member on their Board.

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What the Independent Commission also highlighted is that we, WADA and our 'traditional' anti-doping partners, have no monopoly on anti-doping wisdom.

Whistleblowers and the media are also allies in protecting clean athletes' rights and upholding the integrity of sport. On the topic of whistle blowing, look at its use – it led the Commission into areas of criminal wrongdoing highlighted in its second Report, and as a result the athlete (Liliya Shobukhova) met the conditions for 'substantial assistance' as permitted under the revised World Anti-Doping Code. This is a good example of whistleblowing, and indeed the Code, being put to good use.

We at WADA will continue to work hand in hand with both whistleblowers and the media – and we will put in place enhanced measures to protect whistleblowers better. We all want the same thing after all, and that is clean sport.

The investigation also proved that we are reaping the rewards of our links with the law enforcement industry - and we have members with law enforcement backgrounds here in the room today – we can help them and they can help us. Let us continue to strengthen those links, as we know that science alone cannot help us protect clean athletes.

To realise the potential of anti-doping’s relationship with law enforcement, however, and to support investigative efforts fully, we need governments to have the appropriate legislation in place so that law enforcement agencies can investigate fully and so that information can be exchanged freely and effectively. This is an expectation under Article 22 of the World Anti-Doping Code. Allow me to stress that far from encouraging athletes to go to jail for doping, implementing such legislation will allow doping matters to be investigated fully and as a result will cut off *the supply* of banned substances to athletes.

However, this must be mitigated with a dose of reality – this investigation cost US\$1.5 million and WADA has a US\$26 million annual operating budget. WADA as an organization punches well above its weight on this budget, but we must pick our battles wisely based on hard evidence. We also need the Olympic Movement and Governments to accept that more funding is necessary to ensure that efficient anti-doping is conducted across the board.

Allow me to tackle head-on the question of extending investigations into other sports in Russia or other countries; a question which was raised again recently with the United States Olympic Committee (USOC) Athlete Chair calling for further investigations.

If evidence comes to light as part of the independent testing programme underway in Russia and in our discussions with RUSADA - who let us not forget cover all Russian sports - and these discussions warrant further investigations, I will not hesitate to act. However, if full-blown investigations are to become the norm then we must seriously explore greater funding for this aspect of our work.

## **Compliance**

It is important at this time to deal with the subject of compliance. For too many years, it has been assumed that the very word compliance meant compliance with *the Rules* under the Code. The present revised World Anti-Doping Code was approved at the World Conference in Johannesburg in November 2013 after a long period of consultation. The Code came into force on 1<sup>st</sup> January 2015.

WADA has been engaged in a prolonged effort to ensure that all stakeholders are “rule” compliant; in other words, they have *Rules* which are in line with the 2015 Code. In May 2015, we were able to announce that all the International Federations, which are code signatories, were rule compliant. In November, we turned our attention to a small number of NADOs that were not rule compliant. In almost every case this was due to a failure to complete the appropriate regulatory process in their country – and a small number of those NADOs were given until 18 March 2016 – that is in less than two weeks’ time -- to complete these processes. There were three NADOs declared non-compliant for use of non-accredited

laboratories. We believe that a period of 28 months since the acceptance of the Code in Johannesburg is a more than sufficient period of time to complete this process.

Much of the regulatory work and assistance has been conducted by our Compliance Review Committee. This is a group of independent and highly knowledgeable people who, ultimately, make the important recommendations on non-compliance to the WADA Foundation Board.

When all stakeholders are *rule* compliant – which is the first step - WADA is instructed by its Foundation Board to use the Compliance Review Committee and the processes they have developed to focus on the quality of anti-doping *programs*. Anti-Doping Organisations, wherever they may be situated, are encouraged to be more efficient and more effective in their principal purpose: the protection of clean athletes. To ensure that this is conducted efficiently, we are in the process of seeking ISO Accreditation for the process so that quality anti-doping programs can flourish, and so that the rules are knowingly and properly applied. This accreditation process will enhance standards across *the whole* anti-doping community.

### **Code over the last 12 months – other ‘wins’**

Much of the attention of the past year has been on doping scandals but, as a glass half full man, let us reflect on a few of the other ‘wins’ that the 2015 Code has presented us:

- We have begun to see a number of four-year sanctions levied (four years means an athlete is out for a whole Olympic cycle) – that is strong progress from two years, and a real deterrent;
- We have seen approximately 850 rule violations issued since start of revised Code. That’s 850 dopers not even making it to the start line thanks to anti-doping programs.
- Over 30 athletes have been sanctioned through Athlete Biological Passport cases since the start of 2015 – and we have now seen more than 90 cases since the Passport began. This goes to show the power of the Passport.
- The laboratory system continues to be enhanced. We now have a new WADA-accredited laboratory in Qatar – this has ensured that the Middle East region is well covered.
- The Regional Anti-Doping Organization (RADO) program continues to grow – a new RADO was installed in South America covering four countries.
- We have had five new signatories to the Code since the start of last year – including NADOs, IFs and others.

- And, as a result of WADA's robust new independent compliance program, there have been 12 signatories that were at some stage over the last 15 months declared non-compliant. For those who say WADA lacks teeth, there is proof of the contrary.

This all points to evidence that the 2015 Code has had a real impact on sport – even if doping refuses to go away.

### **Other Priorities**

WADA will also upscale its other processes and priorities, which in turn will enhance the accountability of ADOs globally:

- Laboratory monitoring and accreditation;
- A greater fund for investigations;
- Creatively seeking more funds so that we can further our impact. An example of this is WADA's recent creation of its U.S. private *Foundation for Clean Sport*, which will target additional funds for research, education and other activities; and
- Enhancing whistleblower protection – which will help encourage more whistleblowers to come forward to report doping. Indeed, look at what happens when they do!

These are just a few of the areas in which we are enhancing our activities.

### **Other Potential Solutions**

Aside from the Code, and collectively enhancing our efforts, what other potential solutions exist as an antidote to the crisis for doping in sport?

There has been an initial discussion on the International Olympic Committee (IOC)'s proposal that one way to further protection of clean athletes could be to remove the inherent conflict facing International Sport Federations (IFs) between promoting and developing their sport on the one hand, and policing their sport on the other. It is suggested that this issue, perceived or real, could be removed by establishing an independent testing agency. WADA has been invited to study this proposal and initial meetings have already been held between technical anti-doping experts from the WADA, IFs and the IOC. These were productive discussions and we now have a much clearer idea of how such an independent testing unit could operate.

The IFs are conducting the necessary research on the investment they currently make in their anti-doping programs. One outcome of the meetings was a request to the IOC to fund a project with independent business experts in order to establish the scale of the project and the funding required. There was also a discussion about the idea of an independent tribunal delivering decisions. Once these elements of research are completed and WADA's Executive Committee and Foundation Board have reviewed the relevant elements at their

next meetings in May, WADA will establish the full consultation process necessary to include all stakeholders, including governments.

Let us see what results from the consultation, and let us not shy away from such bold initiatives if it is needed for the greater good.

## **Conclusion**

What I have discussed here this morning are all considerations for us in this Olympic year, when, because of recent events, the spotlight will be on anti-doping at an Olympic Games like never before.

Will doping disappear entirely? Of course it cannot be eradicated entirely, because it is some people's nature to cheat, but we can collectively do our level best to *reduce* doping, and make the risk outweigh the reward.

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Given the events of the last 12 months, some have asked 'Why bother? Why don't you allow athletes to dope?'

I have a succinct answer to that. No! It is not an acceptable solution.

If ever posed with that question, you have to ask yourself: would I want my children or grandchildren to be subject to such dubious and dangerous substances?

Banned substances pose a threat not only to purity of sport, but to the health of athletes. And what could be more important than that.

Liberalising the use of Performance Enhancing Drugs would lead to a worrying escalation in the use of dangerous substances; we would move into a sporting world where the athlete with the best chemist would win. That is not a world I, nor many others, want to live in.

Think about future generations of athletes. While we here in this room over the next two days will be concentrating on the legal side of anti-doping, I wish to also leave you with the message of what education can do for our collective aim in the long run.

We now as an industry – and we *are* an industry - have a responsibility under the revised Code to implement thorough, values-based education programs. That means not just *providing* information but going further by *instilling values* in those that want to become athletes, and ultimately preventing those people from ever considering doping. We want to create a healthy sporting environment where doping is not an option.

That has to be our aim in the long run if the clean athlete is to prevail.

Thank you for your attention today and thank you for your contribution in regaining the trust of clean athletes.