

**DEVELOPING NEW ALLIANCES TO TACKLE THE INCREASING
PROBLEM OF DOPING IN SPORT**

Doping as a Public Health Issue

Stockholm, Sept. 21, 2012

Your Highness, Honourable Minister, Professor Ljungqvist, distinguished guests, ladies and gentlemen.....

Thank you for the opportunity to address this very important conference. May I also take the benefit of being an early speaker, on behalf of the world's anti-doping community - to thank Professor Ljungqvist for all his years of expertise and commitment, and for bringing together here in Stockholm many people and organizations that play critical roles in the fight against doping in sport.

As WADA has communicated many times in the past, doping is no longer an issue that is confined within elite sporting boundaries. Rather, it is a problem that permeates other areas of our society, and has a much wider impact than it did several decades ago when it first became a major challenge for sport.

WADA provides the pointy end of the issue with its focus on elite athletes, but when the curtain is drawn, what is revealed is a social problem of steroids in schools and amongst our security forces, the presence of the criminal underworld in trafficking

prohibited substances, an unregulated supply of non-sanitized drugs through the internet and from profit-making opportunists (including many in local gyms), amateur athletes doping in recreational sports events, young people taking steroids in a bid to look good, and an overall challenge to the values of sport and its integrity through allied activities such as spot- or match-fixing, bribery and corruption. None of these matters really fall under our express mandate of elite sport, but evidence of all have come to our attention, and all provide significant issues for society in general.

In the public health area, there is internationally often little regulation over “kitchen laboratories”, minimum scrutiny and control of imported raw materials, and therefore not much attention to the growing steroid use.

WADA is hopeful that this gathering will allow the public health message to resonate even more loudly, and help inform a broader section of society as to the issues of doping – both in terms of our physical health and in terms of our moral well being.

The symposium creates an opportunity for WADA to share information on the fight against doping in sport and the activities being undertaken to combat this scourge, so that others can seize opportunities to put the brakes on a societal slide.

First, a quick view of where WADA is at the present:

Formed in 1999, WADA has grown into a well recognized international agency, responsible first for harmonizing all the many variegated rules and regulations from sport and countries into a global Code; second for uniting sport (private) with governments (public authorities) in a unique partnership; and third, for becoming an independent hybrid body that has a high collection of annual dues from governments (better than United Nations bodies).

The World Anti-Doping Code was initially drafted and unanimously accepted in 2003. It was reviewed and revised in 2007, and is currently the subject of a second review. That started in November last year, and culminates in the Fourth World Conference on Doping in Sport in Johannesburg in November 2013, where the revisions will be considered and a new Code approved.

There are now more than 660 signatories to the Code, while 171 countries have ratified UNESCO's International Convention against Doping in Sport; Lesotho being the latest to ratify in late July. We understand a further instrument from the Dominican Republic is on its way to Paris, leading then to 172.

The second compliance report on the Code and its adherence by WADA's stakeholders was approved by our Foundation Board on November 20, 2011.

WADA's Regional Anti-Doping Organization Program – better known as the RADO Program – now encompasses 121 countries that prior to the Agency being formed were not even familiar with the words “anti-doping”.

WADA has invested more than US\$ 60 million in scientific research, forged partnerships with Interpol and the World Customs Organization, the International Federation of Pharmaceutical Manufacturers Associations and the Biotechnology Industry Organization, written models of best practice, provided education models for schools, appealed many cases to the Court of Arbitration for Sport (CAS), and more.

When you consider the size of the problem faced by WADA, the limited budget at our disposal and the difficulties inherent with uniting disparate bodies and countries, and attempting to enhance anti-doping practice, there is little doubt that WADA has achieved much.

We all should know by now that the fight against doping in sport has reached the stage where science **alone** will not eradicate cheating or very often even detect it.

This is not a secret - it is a worrying trend that WADA has communicated many times in the last few years. The reality is that the science of those who choose to dope - many of whom are assisted by an entourage with increasing scientific and medical expertise designed solely to cheat and avoid detection - is still able to keep ahead of the science of the anti-doping community or at least the practical application of science in the accredited laboratories when analyzing collected samples which of course the laboratories did not collect, nor select for collection.

One only has to consider some of the doping practices revealed by Tyler Hamilton in his recent book to get a clear idea of the sophistication and lengths that athletes will go to dope and avoid detection - and many of the stories in this particular book go back more than 10 years.

Furthermore, sample collection and analysis is getting more expensive. The rules appear to some to be getting more complicated. Laboratory directors and scientists in general continue to be conservative, perhaps encouraged by the legal

process making demands to be 100 per cent certain of their findings.

This is seen as unrealistic by scientists who never think in terms of absolute certainty.

Indeed, it may be suggested that some err in favor of not returning adverse results for fear of the legal process and the time required to give evidence under attack. Indeed, I think it is fair to say that scientists do not enjoy the adversarial approach of lawyers.

The clever cheating athlete on the other hand is becoming better at cheating, more sophisticated and funded more extensively. That athlete might now be confidently of the view that he or she will avoid detection under the historical approach.

Detection has got better in the last decade, of that there is no doubt, but again I refer to Hamilton's new book and how impervious to detection many elite athletes once felt.

Hamilton wrote that he and his team-mates felt they had a 99% chance of avoiding detection so long as they followed the simple rules laid down by their unscrupulous support staff.

A direct quote from the book sheds some light on this: "The test for EPO is a good example of how big an advantage (Michele) Ferrari was to us. It took the drug-testing authorities several years and millions of dollars to develop a test to detect EPO in urine and blood. It took Ferrari about five minutes to evade it. His solution was dazzlingly simple...."

Even if what Hamilton describes is no longer the case, and detection methods have improved, so the dopers have figured out new ways of avoiding detection: micro-dosing, cocktails, designer drugs, and more.

What has become more telling, however, is that the mode of collection of evidence need not be simply nor solely through the means of sample collection and analysis.

Already we have moved far from being reliant only on such processes - perhaps to the discomfort and concern of many - but to the developing success of gathering evidence against those who have cheated with impunity.

Non-analytical cases are mounting, from the days of BALCO and Tim Montgomery, to regular cases in Australia, recently in Switzerland, and elsewhere in the world where the authorities now exchange data on a growing basis.

One only has to remind people that Marion Jones competed for seven years, was tested many, many times, was never found to have an adverse analytical finding, but cheated throughout.

She even wrote it in her book and sued those who suggested otherwise. It was only during the investigation process that led to her lying to a grand jury and the eventual charge of perjury against her, that she confessed and went to prison.

Investigations should now form an integral part of any effective and efficient anti-doping program. There are of course ways and means of obtaining evidence through such inquiries. It need not engage an anti-doping organization in its own investigation work.

There are many bodies, also funded by government, already in place and needing strong laws to act on. Australia, the United States of America and the United Kingdom provide good models in this respect.

WADA last year published protocols for the sharing of evidence gathered in investigations. In considering these protocols, we were greatly aided by Interpol, Major League Baseball and the Drug Enforcement Agency, all of whom willingly "loaned" us their experts and expertise to the process.

The end result was a document which was sent to all of the anti-doping organizations in the world. It contains practical, sensible suggestions on how to go about working with law enforcement, customs, immigration and other officials in order to properly and appropriately share information. We sincerely hope that many will take advantage of this work.

One only has to look at the success of operations in the United States such as BALCO, Gear Grinder and Raw Deal to get a clear idea of the very real impact investigations, intelligence and information sharing can have for anti-doping.

Testing and analysis will always be the bedrock of anti-doping, but it is now increasingly supported by this second pillar – intelligence - which WADA will continue to develop.

If you consider the unscrupulous journey that a doping athlete takes, the anti-doping community has traditionally relied on testing to bring this journey to an end.

Well, with the advent of more and better intelligence, and the support of advancements such as the Athlete Biological Passport, WADA has put in place processes that can end the journey in other ways.

Athletes can now be caught when they start this doping journey – i.e. when they purchase their performance enhancing substances – and further down the line when they are taking them in training, and finally during competition.

The anti-doping community is now able to gather biological and non-analytical evidence on doping activities. The bases are being covered.

I turn now to some of the specific challenges WADA faces - or indeed has been encountering for some time - and the steps being taken to address them, in particular through the development of alliances:

1. The continuing and increasing engagement of the underworld in providing prohibited substances through trafficking and distribution.

The incentive to engage in trafficking has been there for a number of years and remains high. In many parts of the world this is legal activity and the returns on initial investment are vast. For one hundred dollars one might get a return of anything between one thousand and ten thousand dollars.

All governments might appropriately recognize this intrusion; it is a criminal matter if laws are in place and the police will act if there are compelling penalties.

The substances are from raw materials delivered from the East, and put together in “kitchen laboratories”, unregulated and non-sanitized. They do not just go to elite athletes or their entourage. They go to high school students who want to “look good”, to security agents, to armed forces. It is a matter of public health and should be of concern to governmental authorities.

This is an occasion for it to be confronted. The Danish Government looked at the issue closely during its term as EU President, and a good study has been published examining the problem from a greater societal perspective.

The criminal underworld makes money out of this activity, but it is also engaged heavily in other aspects challenging the integrity of sport. WADA is well aware that the same people who engage in the distribution and trafficking of prohibited substances are involved in bribery, corruption, money laundering, betting and fraud.

Clearly WADA does not have the mandate, jurisdiction or expertise to engage these underworld figures, but WADA is able to share information with the relevant authorities. Our

appointment last year of a Chief Investigative Officer has increased these lines of communication.

WADA also can share the experience it has gained as a unique international organization for the possible formation of a body to protect the integrity of sport, with all aspects that challenge integrity to be encompassed, anti-doping being but one arm.

The recent study commissioned by WADA and UNESCO by Barrie Houlihan and Borja Garcia of Loughborough University clearly shows that there are significant benefits to be gained when a country has in place specific anti-doping legislation, and does not rely on existing drugs legislation to combat the problem of drugs in sport.

WADA will continue to work with governments worldwide and to liaise with UNESCO in their efforts to have their states parties adhere to the commitments made under the International Convention to introduce such legislation.

2. The growing and encroaching black market for pharmaceutical products.

While we have good and proper arrangements and agreements with the regulated pharmaceutical industry, part of the reason for that is to ensure that evidence of the black

market supply is provided to the industry and to the regulators. At present it is estimated that at least 25% of the world's pharmaceutical products emanate from the black market. They are non-sanitary and potentially dangerous to health.

Some are readily available through the internet; some are "stolen" during research and development stages of the regulated industry. This latter aspect is of intense concern to the industry as it is theft of intellectual property.

This is one of the reasons that WADA has strengthened its relationships with the pharmaceutical and bio technology industries in the last couple of years. Partnerships now exist that allow WADA to receive information on compounds that have the potential for abuse in sport during their research and development stages, and this gives WADA the opportunity to develop detection methods at a much earlier stage.

The most prominent example of the advantages such a relationship can have occurred in 2008. WADA had worked with Roche during the research and development stages for CERA and a detection method was quickly developed prior to its being released to the market.

Riders who used it on the 2008 Tour de France were picked up and subsequently samples from Beijing were retested and resulted in a number of sanctions.

This alliance or partnership with the pharmaceutical industry will be examined when WADA co-hosts a conference in Paris in November with the French Ministry for Sport, the Council of Europe and UNESCO.

The conference will allow interested parties to discuss shared issues and develop a road map for future actions.

3. The increasing sophistication of cheating at the high end of sport.

There continues to be the “dumb” doper who is regularly caught through standard testing protocols, with a large number still risking in-competition testing. This doper effectively catches his or herself. On the other hand, there is the sophisticated doper who continues to get away with cheating.

Some might say the sophistication has expanded since the advent of WADA. Some might say that it has advanced even further through the introduction of the biological passport.

Whatever the genesis, the fact of the increasing sophistication is undoubted.

From micro dosing to manipulation, the clever doper, aided, abetted and considerably financed by clever entourage members, continues to evade detection through the analytical process. And we continue to be haunted by the impunity with which, for example, many have treated human growth hormone.

Here another advance in science might be very helpful as a new test has recently been implemented and we have high hopes that the impunity will be redressed.

In addition to the increasing partnerships with pharmaceutical industries, WADA also continues to spend more than 20% of its annual budget on science research.

WADA is under no illusion that it faces a huge struggle to keep pace with the techniques of the sophisticated dopers, but this must continue to be the aim – indeed, we need to get in front and if that means more thinking like the bad guys then so we shall, and we shall encourage our researches to do so also.

4. The continuing vexed issue of costs.

This includes legal costs, testing costs, research costs, transport of samples costs and others - which do not need any further clarification or explanation.

Any complaint about cost must be put into perspective. The sport industry is estimated to be an \$800 billion-a-year business. Spending \$300 million to protect the integrity of such a business does not seem a significant amount of money. In fact, one could easily mount an argument that sport is not spending enough to defeat the biggest scourge it currently confronts.

Regrettably cost is being used as an excuse by those responsible for anti-doping programs not to undertake the best possible approach. For example, not all samples are analyzed for EPO. The fact that only 36 positive cases for EPO were found in 2010 from 258,000 samples, and 43 from 247,000 in 2011 surely indicates that.

The costs of anti-doping might not get any cheaper. WADA is aware that testing has to become more intelligence based, but the challenge also requires a funding level that is more commensurate with the size of the problem.

5. The trickle down of doping?

Why are athletes being tempted to dope? And why is it becoming an issue for society in general?

Is it just because substances are so much more readily available than they were, say, 10 years ago, or is it due to a quantum shift in moral attitudes?

WADA suspects it is a combination of the two, but there is no doubt that current attitudes towards doping have changed. Values across society have changed and there are studies to prove that 'cheating' in its many forms is not only commonplace but also considered acceptable, just so long as you do not get caught.

Cheating pervades all levels of the social spectrum. Not so long ago we had the major scandal of politicians fiddling their expense forms, stories of tax evasion are commonplace, while in the world of academia there is the recent controversy of dozens of students in a Harvard undergraduate class admitting to plagiarism in an open book exam. Without integrity, there can be no genuine achievement.

It happens in scrabble tournaments and in police forces, where recently we heard the coroner's report in a tragic case of a police officer dying from substances he took to try and improve his results in an athletic test.

And what of the US Vice-Presidential candidate whose false claim to have run a sub three-hour marathon was excused by his campaign manager, who used the words “why let the facts get in the way?”

WADA operates in an age where the values of honesty and integrity are constantly under threat from a ‘win at all costs’ mentality, where the path one takes to achievement is considered irrelevant so long as one can claim success at the end of it, no matter how.

WADA continues to deliver anti-doping messages and information through its Education and Outreach programs, but we also need there to be a greater recognition that doping is wrong – on all levels.

It is not just at the elite level of sport that doping exists - we are now experiencing a significant ‘trickle down’ effect.

There are examples of high school athletes choosing to dope in order to try and win professional contracts - a particular problem with schoolboy rugby in South Africa.

We hear of veteran recreational cyclists and runners taking prohibited substances, both to cheat their way to contention and to prolong their careers. Indeed, there was even the

recent case of a national federation board member testing positive after competing in an amateur event.

There has to be a greater sense of outrage, otherwise the trickle-down effect we are now witnessing from the elite to amateur and youth level could become a torrent.

To ensure this issue is fully addressed is an increasingly difficult task when other social issues – such as corruption – begin to occupy the “scourge of sport” ground.

Faced with these challenges WADA continues to pursue its regular activities, but we have looked carefully as to how these might be progressed.

A. Biological Passport. This project, which was of course piloted by UCI, has reached a situation where it must be advanced and enhanced. Our team is looking very closely at the experiences and information gained from the UCI program. There is more pressure to only include anti-doping activities if they are proven to be cost effective and efficient.

Without dwelling on the economic situation, which is of course obvious to everyone, it is also appropriate to look at the benefits of programs and rationalize the importance of such programs.

I must mention here the significant boost given to the Passport Project by recent decisions of the CAS in a number of cycling and athletics cases. Significantly the Court acknowledged the use of the Passport Program as being legally sustainable as proof of doping.

While on this topic, it is worth mentioning blood collection. For some time now WADA has been disappointed at the scarcity of samples collected for the purpose of blood analysis.

There exists an awareness of the issues relating to collection and transport of blood. However, going forward the anti-doping community must look at ways and means of ensuring that there is a certain number of blood samples collected in any anti-doping program.

Some of the prohibited substances and methods can only be detected by blood analysis; these are all serious substances and very serious methods. Blood doping has been around for decades. Are we stopping it? Certainly it does not help if blood is not even being collected.

To try and address this shortfall, WADA's Executive Committee last year recommended that in order to meet best practice, 10% of samples collected by any anti-doping organization should be blood.

Do we need more labs? Why does every country in the world have labs for forensic science where samples daily are analyzed for criminal and civil cases; and others where the health of our people depend upon the analysis of their samples, yet these are not good enough for athletes?

- B. ADAMS.** This clearing house is a cornerstone of our work. It is one demanded of us by the Code and is one which requires the involvement of athletes. In brief, we now are continuing its development with the benefit of experience and input from stakeholders, so that it becomes the global system for all anti-doping organizations and all athletes. We are ensuring that the rules behind it observe privacy and data collection laws, although this remains an ongoing dialogue with European authorities.
- C.** Moving to something more controversial. How can the fight against doping in sport be enhanced? How can there be incentives to anti-doping organizations? Independence of national anti-doping programs is important, and an aspect which is often rejected or under-estimated, but should Germany test in France, and vice versa? Are incentives required now?
- D. Education.** Deterrence is an extremely important component of an anti-doping program; prevention is a

corner stone of any development of values among the youth of today. There are some who say all our education goes to those who wish to be educated. The bad guys just ignore it.

WADA's education programs have won awards, and they are available free to all our stakeholders. Our Play True Generation and Athlete Outreach models are designed for all to use. The 'Say No to Doping' campaign was showcased by the NHL at its All Star game in January, and continues to be picked up by more and more International Federations and Anti-Doping Organizations. We provide a lot, but is it being fully and appropriately utilized?

E. Legal challenges. The anti-doping community also faces challenges from a legal perspective. These include:

1. Different timings in hearings – delays and process elongated by lawyers.
2. The debate about data protection and the right of privacy.
3. The continuous battle to ensure there is a proper balance between the rights of the individual and the need to eliminate doping from sport. Proportionality is

the catch cry. Many of those who use it, however, are not aware of the very limited class of elite athletes to whom some of the rules apply. Proportionality prevails. I want in particular to highlight a decision rendered on 24 February 2011 by the French State Council (the supreme administrative court in France) in which The Council rejected a challenge from FIFPRO against the whereabouts rules. In this decision the Council stated that whereabouts are justified by the general interest of the fight against doping and are proportional to that goal.

4. The issue of food contamination; the issue of supplements; and how appropriate sanctions can be handed down in cases involving specified substances.
5. Finally, a word in relation to athletes and athlete groups. WADA is essentially a body looking after the clean athlete. Sport relies on athletes for its survival. These groups are most important in terms of representation of athletes. There are many areas in which appropriate representation can lead to proper voices for athletes. Sport must be very aware of its

athletes and must take careful steps to ensure they are engaged.

F. Entourage. Sport and governments must realize that, in most cases, it is not athletes acting alone who defeat everything for which they should stand. They are assisted, counselled, sometimes tricked and occasionally forced into the downward spiral of cheating.

Coaches, trainers, medical doctors, scientists, sports administrators - even some misguided parents - all of whom ought to know better, make a mockery of their responsibilities and trivialize the years of training and dedication of the trusting athletes whom they betray.

One of the missions at WADA is to make sure that it is not only the athletes who are sanctioned for doping offences. Athletes are, of course, the instruments in which the doping occurs, but often they are less to blame than the coaches, doctors, lawyers, agents, trainers and others around them.

A consistent way of ensuring that the athlete entourage - when responsible for aiding and abetting, persuading and supplying - can be sanctioned still does not exist.

So WADA and its stakeholders must work together to ensure that the entourage can be sanctioned. Sport may not always be able to do so, but governments can.

In conclusion, I leave you with a series of questions.

Has the anti-doping community developed or is it entrenched in ways that are historically cemented?

Where is the lateral thinking? Where are the energetic leaders?

Do people still want sport to be value-based? Does sport want to protect its values?

What is the future for anti-doping?

The rules will continue to be reviewed and revised, in practice however there needs to be higher quality, and the programs will be altered according to issues such as intelligence and finance.

The Passport should be enhanced and more should be using it.

We must confront complacency and ensure there is long-term commitment from all. The challenges that have been mentioned need to be confronted. A proper mix of prevention and deterrence, and a growth of the regard that our youth have to the values of sport, will result in a more level playing field.

The review of the WADA Code and Standards will allow all to suggest appropriate changes that will advance the fight against doping.

Further alliances with arms of government such as health and the recognition of the fact that doping is not limited to elite athletes will be of benefit to our young people and society in general.

WADA will continue to lead the fight against doping in sport to the best of its ability. But it needs champions, and it needs alliances to spread the issue appropriately to society in the areas of health and ethics.

Thank you.