

**KEYNOTE ADDRESS BY
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DRUGS & SPORT: THE ONGOING STRUGGLE

Thank you for giving me the opportunity to share some thoughts with you today on a subject which has been part of my life over the last number of years. I believe this subject needs very special attention, not only from those involved in sport but also more widely in society.

The fight against doping in sport is a defining challenge of our time. The number of doping cases might clearly indicate progress towards discovering and eradicating those who cheat. But it also demonstrates that much is still needed to protect the health of athletes and the integrity of sport. The fight against doping is an ongoing struggle requiring all sport and all countries to give total commitment to provide clean athletes with a platform that supports their pursuit of excellence.

I am often asked: why is it important to fight against doping in sport?

I will answer because sport is a humanistic exercise that is based on certain ethical principles, as well as the health of athletes who

practice it, and centers around the joy of effort. The ethical principles include respect for the rules of the game, respect for one's fellow competitors, respect for the impartial officials who apply the rules, fair play, renunciation of violence and racism, self-discipline, teamwork and, ultimately, self-respect. Achievement in sport, no matter what the level, whether at school or in the Olympic Games, should be a matter of intense personal pride and accomplishment, not something that has been accomplished by cheating.

Cheating destroys everything that an athlete has tried to achieve through sport. If you have cheated in order to win, in fact, you have not won, but lost. You have lost your own self respect, because, even if you may have momentarily fooled other people, you cannot fool yourself. You live under a sword of Damocles, always wondering if today is the day that you will be exposed as a cheater and disgraced. You had promised to play by the rules that everyone has agreed upon, but you broke that promise, made to yourself, your opponents and to the public at large. Your achievement, your victory, was a fraud. So are you.

Doping is seldom accidental. Taking anabolic steroids is not accidental, taking EPO is not accidental, blood transfusions are not accidental. They are all with the intent of enhancing performance and beating and bettering the opposition illegally.

One of the rules of sport now is that the participants will not use certain substances and methods for performance-enhancing purposes. The genesis of the original rule was a medical concern for the health of athletes who were using the particular substances or methods. They increased the risks of major damage to health and even death. Over time, the rules have expanded to include preservation of the ethical aspects of sport as well as the health of athletes. There is now a well recognized list of such substances and procedures that are prohibited. These rules are just like any other rule of sport, such as the number of players, equipment, scoring and so forth. There are often discussions regarding what should or should not be on the List and, as a result, there are changes made to the List from time to time. That is a useful process and allows sport to take advantage of the increasing scientific knowledge that is improving each year.

But the most important factor is that, whatever the List may be at a particular time, it represents the agreement among participants in sport regarding the rules that apply to our common activity. That is our contract with each other: we agree that we will not use those substances and methods. If you and I are competing, I am entitled to expect, and to insist, that you will follow our rules. You are entitled to the same expectation of me. That is our deal. You have the full freedom to choose, if you do not like or do not agree with the rules, not to participate. But, if

you decide to participate, you must accept them. If you reject our mutual agreement, you should lose your result and be removed from the competition that you have tainted by your behavior.

It seems to be part of human nature that there will always be people who refuse to respect the rules, whether in society in general or in sport. That is why, in society, we have a system of police, courts and prisons. That is why, in sport, we have officials who enforce the rules, a system of sanctions for those who cheat by doping, and a system for resolving any disputes regarding application of those rules.

Doping in sport is not limited to specific sports, nor to specific countries. It is an international problem. No sport and no country is immune from the risks of doping. The solution to doping in sport requires our international response. The same rules must apply to all athletes in a sport, no matter where they come from. It is no solution to the problem if athletes from country "A" who compete fairly compete with doped athletes from country "B." Nor is it an answer if an athlete is banned in one country but allowed to compete in another.

Early efforts to deal with the challenge fell well short of success. A few international federations, including athletics and football, had rules, but no practical means for enforcing them. The

International Olympic Committee adopted rules to prevent doping during the Olympic Games, but recognized that these were in-competition tests only and that the Olympic period occurred for only two weeks every four years in both summer and winter sports. For three years, eleven months and two weeks out of each Olympiad, athletes trained and competed under the jurisdiction of their international and national federations and the IOC had no ability to control such activities. Nor, for some reason, did the IOC think, at the time, that it was feasible to use its leverage of insisting that as a condition of inclusion in the Olympic Games, all Olympic Federations and all National Olympic Committees must have effective anti-doping programs.

Another difficulty in the early years was that anti-doping programs require funding, for tests, for research, for administration of the programs. The Olympic Movement, including the IOC, International Sports Federations, and National Olympic Committees, prior to the major television contracts and marketing programs that now exist, did not have the resources necessary to support vigorous anti-doping efforts. Nor was there, to be fair, much concerted interest in tackling the problem. Most International Federations preferred to close their eyes to the doping and to perform a few tests during major events such as world championships, even while recognizing that this was more

of a public relations exercise than an effective way of preventing doping.

Eventually, it became clear to everyone that there was a serious problem and that it was not being actively countered within the sport movement. The public began to suspect athletes generally of doping and any exceptionally good performance was questioned as the possible result of doping. This was not fair to the great majority of athletes who compete fairly, but the public perception continued. It became also clear that a number of young athletes were forced to dope and that many of the drugs used, especially, on young and adolescent females had very serious side effects, some of which were irreversible. Sport was gradually drifting into disrepute as a result of its failure to address a problem that affected the very foundation of its ethical premise. Just remember the former East Germany, recall the controversy which resulted from Ben Johnson's positive test, and reflect on the fairness delivered to the clean athletes in those days. Even today those who were beaten by the systematic dopers from East Germany have not had their rightful positions recognized.

The first challenge in finding an international solution to the scourge of doping was to have everyone involved acknowledge that the efforts to date had not been successful and that there

was a general perception that such efforts were clearly insufficient. The next step was to acknowledge that the public had no confidence that uncoordinated actions could ever lead to a solution, nor that there was a will to do so. No one trusted the component parts of the international sport system, to do what was necessary to stamp out the practices that had been allowed to build up over a period now measured in decades. A new approach was required.

The seminal event that gave rise to the new approach was the Tour de France scandal in 1998, where one of the participating teams had been found by the French police to have significant quantities of doping materials in its possession. A World Conference on Doping in sport was convened by the International Olympic Committee in Lausanne, in Switzerland, in February 1999. All governments were invited to participate. In the Lausanne Declaration approved by the Conference, the participants called for the creation of a new independent international anti-doping agency.

What was different about the new agency was that it was composed and funded in equal parts by the sport movement and governments of the world, meaning that no single organization was in a position to control its operations and policy.

This unique hybrid organization called World Anti-Doping Agency came into existence in November 1999 as a private foundation created under Swiss law and began its operations in early 2000.

The initial short term objectives of WADA, in its first year of operation, were to manage a program of unannounced out-of-competition testing on behalf of the Olympic International Federations, in the lead-up to the Sydney Olympic Games, and to organize an Independent Observer mission for the same Games, to provide an independent report on doping control activities during the Games.

Agreements were negotiated with the International Federations for purposes of conducting the tests, which, for some Federations, represented the first time that out-of-competition tests had ever been conducted in their sports. Such tests are fundamental to the effectiveness of any anti-doping program because of their element of surprise and the opportunity to better target them, and were undertaken by a group of national anti-doping agencies (funded by governments).

The Independent Observer mission was important because of public suspicion that the IOC might be covering-up positive tests in the interests of presenting "clean" Games. Many allegations of this sort had been made from 1984 onwards, including the

shredding of results and losing samples, among others. It was not persuasive for sport event organizers to state that its doping controls had been properly carried out, since that was merely the organizers reporting on its own actions. It was quite different, however, when Independent Observers appointed by an independent agency issued a report conforming that such controls had been properly carried out and that every positive test was properly followed-up and appropriate actions taken or sanctions imposed. This did not happen entirely in Sydney – the report exposed several weaknesses in the IOC program, more in Salt Lake City and Athens, but now it is primarily compliant and satisfactory. Since the Independent Observer program began, such suspicions regarding sport events have disappeared, and multi-sport games have seen the emergence of the clean athlete.

The next mandate for WADA was to harmonize the jungle of anti-doping rules that existed among the various organizations. We commenced a consultation process that was unique in the history of anti-doping activity, involving every Olympic International Federation, every National Olympic Committee, every government, every National Anti-Doping Agency, athlete groups, including the IOC Athletes Commission, every accredited laboratory and any organization that had any interest or expertise in such matters. We began to draft the beginnings of what would eventually become the World Anti-Doping Code.

We then prepared a first draft of the Code and sent it to everyone referred to above for comments. After collecting the comments and considering them, we prepared subsequent drafts for further rounds of consultation. Finally, we convened a second World Conference on Doping in Sport in Copenhagen in March 2003.

This Conference brought together some 1,200 participants, including more than 80 governments of the world, plus representatives from the entire Olympic Movement, governments, accredited laboratories and international agencies. At the conclusion of the Conference, participants unanimously expressed their approval of the Code, which was then unanimously adopted by the WADA Foundation Board. There was now a Code in existence, something that had never before existed, to be applied by all parties. International Federations' representatives agreed that each would then act to make the Code part of their own internal anti-doping rules, so that it could be applied in practice, and undertook to do so not later than the Opening Ceremony of the 2004 Olympic Games in Athens. Government representatives undertook to do the same prior to the Opening Ceremony of the 2006 Olympic Winter Games in Torino, and agreed to sign the Copenhagen Declaration to demonstrate their political commitment to this objective. This was the first step towards a

legally binding international treaty, which I will refer to a little bit later.

The outcome, therefore, was a single set of rules that apply to all sports, all athletes and all countries. There is a single List of prohibited substances and methods, a single process for the accreditation of laboratories, a single set of sanctions, a single set of laboratory standards and a single set of rules for the arbitration of disputes, with the final appeal being before a single arbitral body, the Court of Arbitration for Sport. The prospect of having different outcomes in proceedings before the Court of Arbitration for Sport and in the state courts of the many countries of the world has all but disappeared. This possibility had been a concern of many International Federations, especially those who governed professional athletes, who were worried that if they imposed sanctions called for in the Code and such sanctions were reduced or set aside by state courts, they might be held responsible for financial damages. As an example, if a player earning 10 million dollars per year were to be suspended by an International Federation for two years and a state court were to reduce the period to six months, the International Federation might be held liable to pay the amount of salary that the player had not earned for 18 months of the suspension period.

At its Session in Prague in 2003, the IOC adopted the Code and amended the Olympic Charter to provide that only sports which adopted and implemented the Code could be or remain on the program of the Olympic Games. This was a very important step and served to demonstrate the IOC's firm commitment to doping-free sport. It also provided considerable leverage, that had never existed in the past, in persuading the International Federations to act quickly in their own adoption of the Code, since, if they did not, they could no longer be part of the Games.

Governments decided that the best legal mechanism for them to adopt the Code as the basis for their fight against doping was to engage in an international Convention, an agreement between governments, and elected to proceed under the aegis of UNESCO for that purpose. With technical assistance from WADA on the subject matter of anti-doping, the governments negotiated the terms of the UNESCO Convention on Anti-Doping in Sport. This Convention was drafted in world record time, inside 12 months, then adopted at the General Conference of Parties in Paris in October 2005 in a unanimous vote by all 191 countries represented.

To date, 128 governments have ratified the Convention, covering close to 90% of the world population. There is still some way to go to have the remaining UNESCO Member States formalize their

process. But while this may seem to some to be a rather cumbersome and time-consuming process, by international intergovernmental standards, it is actually astonishingly quick. A similar Convention, dealing with protection of the rights of children, took 10 years to take effect, ours, 1 year.

The fight against doping in sport is far from over, but we now have all the parties concerned with the fight against doping in sport at the same table, at the same time and with the same commitment. We have an active and well-organized independent international agency in place to coordinate and monitor anti-doping efforts.

WADA is headquartered in Montreal, Canada with a staff of 47 (30 different nationalities) and 4 regional offices established in Tokyo, Lausanne, Cape Town and Montevideo. Our annual budget is USD 25 million, with a 50/50 contribution scheme from the Sports Movement and the Governments. We are not a testing body, rather a regulatory body tasked with monitoring and being the guardian of the World Anti-Doping Code. We continue to advance and enhance the rules, determined that we would learn from experience under the initial Code and change it where required. A good example of this concerted work is the implementation, at the beginning of 2009, of a revised and stronger World Anti-Doping Code, following another broad and

open two-year consultation process and unanimous stakeholders' endorsement. We undertook this revision to ensure that global practice under the original document would be better covered in a revised edition. The revised Code shows clearly how the sharing of expertise and experience by all interested parties can bring the global fight against doping in sport to a new level. We cannot be stuck in concrete, but must advance with the benefits of experience.

Does it mean that we are winning the fight against doping in sport?

I believe we are on the right path. I believe that, by federating the strengths of its stakeholders and by leading the global harmonized fight against doping, WADA has made a huge difference in its almost ten years of existence. We in fact celebrated our tenth anniversary two days ago. And I believe that, with the commitment of all those involved in this fight, we can continue to keep the momentum going forward. We have won many battles, taken many innovative international steps, engaged in considerable research (USD 51 million to date – expanding now into social science research).

But we need to constantly look for new ideas and strategies.

Let me give you a few examples of how, under WADA's leadership, the traditional anti-doping model has also evolved from a strategy focusing only on the athlete and relying mainly on testing, research and education, to a new kind of model incorporating the athlete's entourage and the upstream elements of doping.

I mention in particular:

- combating production and trafficking of illegal substances; there is money to be made in distributing steroids. The targeted market being not just sport, but high school youths.
- early detection of potentially performance-enhancing substances in development in cooperation with pharmaceutical companies; and
- evidence and information gathering and sharing between law enforcement and the Sport movement.

Let me develop each of these.

The governmental contribution to the fight against doping in sport is far more than the simple ratification of a United Nations endorsed Convention. Throughout the world, more and more governments have received the message that doping is wrong and is a major threat to greater public health. They are

legislating, establishing and funding anti-doping organizations. They are combating rogue manufacturing, marketing and trafficking of illegal substances. I am encouraged by the growing number of busts that are publicly reported. You will know of BALCO, from Victor Conte (3 months, - now 5 years) to Montgomery – Marion Jones – Justin Gatlin and Barry Bonds still - but also of other major international actions such as Operations Raw Deal and Gear Grinder.

This willingness to limit the availability of illegal substances is part of the rationale behind the Memorandum of Understanding we formally signed earlier this year with Interpol, the world's largest police organization. This Memorandum of Understanding provides a framework for cooperation between our two organizations in tackling doping, in particular in evidence gathering and information sharing. The French government has seconded an officer based at Interpol's Headquarters in Lyon, France, to serve as the liaison between WADA, governments and the Sport movement, and the various police departments around the world. We hope that this formalized cooperation will help achieve concrete advances.

We cannot rely on science alone.

These various initiatives and actions help the anti-doping community ensure to take full advantage of the possibility, set forth in the World Anti-Doping Code, to sanction “non-analytical” anti-doping rule violations, in other words violations that do involve a positive doping control but instead other evidence that an anti-doping rule violation occurred.

Many of the high profile doping cases and investigations in recent years have shown that government action and the sharing of information between law enforcement agencies and anti-doping organizations can be crucial in exposing anti-doping rule violations that would not have been detected through testing. Law enforcement and government agencies possess investigative powers to attack source and supply of illegal substances which sport does not have.

Australia has significantly led the way in this regard. In March 2006, laws and regulation were promulgated for information to be shared between law enforcement agencies and the national anti-doping agency, ASADA. The information provided to ASADA by Customs and the Australian Federal Police allows a far greater likelihood of catching cheats than simply testing.

For example, a consignment of prohibited substances in the mail detected by Customs and addressed to a coach suggests to

Doping Control Officers that testing of that coach's athletes may be worthwhile, and also allows evidence to be gathered pointing to a non-analytical violation. This new approach has led to sanctions against more than thirty athletes and members of their entourage since then.

We must realize that, in most cases, athletes do not act alone. They are assisted, counseled, sometimes tricked and occasionally forced into the downward spiral of cheating. Some coaches, trainers, medical doctors, scientists, sports administrators – even some misguided parents - all of whom know better and who have a professional or moral responsibility to the young people under their charge, conspire to destroy the value of what the athletes are trying to do. Doping is very seldom accidental.

One of our 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 and others around them.

We must all work together to ensure that the entourage can be sanctioned. Sport may not be able to do so, but governments can. Laws for trafficking and distribution can be passed and implemented and enforced across borders through the

understanding we now have with Interpol. Regulations to professional malpractice and negligence can be enforced.

The IOC may introduce a rule to their bidding process making it mandatory for a bid city to show its national laws include legislation precluding trafficking and distribution. International Federations will undoubtedly follow.

Another area of progress is our cooperation with pharmaceutical companies. The cooperation between the pharmaceutical and biotechnological industry and anti-doping organizations, and anti-doping laboratories in particular, is extremely important. Thousands of new drugs for good and proper medical and health reasons are at various stages of pre-clinical and clinical development. These new drugs will hit the market in the years to come and some could potentially be used for doping purposes. It is essential for anti-doping organizations to have the capacity to detect new substances before they are made available to athletes.

Several successful partnerships between WADA and pharmaceutical and biotechnology companies are now established and have allowed the detection of new substances. The best-known example is the detection of a drug named CERA at the 2008 Tour de France following a very fruitful collaboration with

Roche, while some athletes were probably thinking that this substance was undetectable. Subsequently, six athletes were also found to have taken this substance at the Beijing Olympic Games.

I am pleased that this cooperation is expanding. More and more pharmaceutical companies understand that such cooperation is a win-win for them and for WADA. Through such cooperation, WADA is able to anticipate possible doping trends and close the gap on doping cheats, while drug companies help ensure that their work is directed at treating and healing patients suffering from illness and disease, not at providing healthy athletes with an unfair advantage over their competitors.

The fact that the World Anti-Doping Code allows anti-doping organizations to sanction doping violations up to eight years after their occurrence is another powerful tool in that particular area.

This is a clear and powerful message to cheaters. They can be exposed years after the event with the development of technology and science.

Let me give you another example of the evolution of the fight against doping championed by WADA through new strategies and ideas borrowed from other fields: the Athlete Passport.

The Athlete Passport is an innovative approach to anti-doping that WADA initiated and further emphasized following the 2006 Winter Olympic Games. It is an exciting and aggressive step in the fight against doping.

The Athlete Passport involves monitoring an athlete's selected biological parameters over a period of time, ideally throughout his or her career, to detect abnormal variations. This strategy will allow anti-doping programs to be more sensitive and effective in detecting cheating. It will help protect the health of the athletes. But also, more importantly, it will be an additional tool for athletes to demonstrate their commitment to doping-free sport.

WADA took the lead in the development of this innovative approach starting several years ago, and we intensified our work in this area in the past few years, by developing harmonized practices for all sports and anti-doping organizations interested in this approach. These protocols are currently being finalized following experts' consultation, and we will have harmonized guidelines available to all interested anti-doping organizations in the coming weeks following approval at our Executive Committee meeting in Stockholm in December.

In a way, all of this progress is just the beginning. To succeed in our common quest to rid sport of doping, we must continue to

constantly increase our efforts. We need to continue to act with determination and resolve. Most importantly, we need to step up education efforts in order to change mentalities and ensure that incentives for athletes to compete clean are stronger than incentives to cheat.

Revisions to the World Anti-Doping Code have now made it mandatory for anti-doping organizations to implement education programs. The message is clear and understood by more athletes across all levels than ever before. But we need to put even greater emphasis on youth. WADA has been very active in recent years at developing programs for schools and looking at ways to make anti-doping learning captivating and fun through various avenues, including social media networking. We will continue to put a special emphasis at finding additional ways and means to raise awareness of the dangers and consequences of doping in youth. Our team has initiated new ways of assisting – our programs are globally adaptable to all language and cultures.

Of course, there will always be some who choose to break the rules, just like in other areas of our society. Of course, there will always be some athletes who complain that their privacy is infringed due to no-advance-notice out-of-competition testing. It is a fact that an effective fight against doping involves a certain level of invasion of privacy for top-level athletes. There is

undoubtedly a breach of privacy when a urine sample is collected in sight of a doping control officer. But, as the overwhelming majority of clean athletes will tell you, this is a small price to pay to protect the integrity of sport and get rid of cheaters, the rule breakers. And let's not forget when we talk of rights of the rights of clean athletes to clean sport.

Today, athletes who play fair in sport can have increasing confidence that major progress is being made to protect them and the ethical values of sport. The net is closing around the cheaters. They, and those who assist them, are not welcome. They will be exposed and excluded from sport, so that it can become the pure and humanistic exercise that we idealize.

Together sport and governments will provide the level playing field desired by the athletes we all serve.

We at WADA will continue to work towards a vision of the world that values and fosters doping-free sport. We believe that athletes should compete in full trust of a level playing field to allow them to concentrate on the pursuit of sporting excellence through their natural talent – “playing true”.

Thank you.