

Minutes of the WADA Executive Committee Strategic Planning Workshop
22 September 2003
Montreal, Canada

The meeting began at 9 a.m.

1. Welcome, Roll Call and Purpose

THE CHAIRMAN welcomed the members to WADA's two-day Executive Committee session in Montreal. This was a very important occasion for WADA, and he thanked the members for making two days available for the purpose. The meeting was to look at all of the things that WADA had been doing and had to do, and to assess whether WADA was doing the right things in the right way at the right time. He hoped that everybody would participate in the discussions. That day's session included many interesting issues to be addressed, and he hoped that it would be possible to have a full ventilation of those issues and to review, after almost four years of existence: WADA's principal mission, its role, its overall purpose as a world body on doping-free sport, and the kinds of activities in which WADA should be engaged in order to bring about the vision that WADA had of doping-free sport.

WADA also had (which it had not had at the time it began its activities) in place a World Anti-Doping Code, a remarkable achievement in international sports diplomacy. He thought that there were very few who had thought that it would be possible to get a Code in place as quickly as WADA had done and achieve the consensus that it had accomplished in Copenhagen in March that year. But that had been done, the fall-out had been generally very positive; many IFs had already adopted the Code, and others were preparing the necessary congresses for that purpose, and work was under way. One of the most important steps was the unanimous adoption of the Code by the IOC at its Session in Prague. The position of the IOC, that no country's sports team could participate in the Olympic Games unless that country was compliant with the World Anti-Doping Code, was a lever in favour of expansion of the Code.

There was a need to think about the many responsibilities that had been imposed on WADA as a result of the adoption of the Code; these were more extensive than had been planned for in the rolling series of budgets adopted, so it would be necessary to readjust WADA's sights in order to fulfil these responsibilities as and from the beginning 2004. The time limit for adoption of the Code by IFs and NOCs was the beginning of the Olympic Games in Athens in 2004, so there would be more and more sports and countries coming on line with those requirements, and WADA needed to be able to discharge its responsibilities as they did that and be ready for the beginning of the year in 2004.

The results of the WADA workshop would undoubtedly have an effect on some of the activities and the budgets that would have to be adopted for 2004, and the Executive Committee should be attentive to those implications as it went forward with discussions. The following day, at the formal Executive Committee meeting, there would be the

important adoption of the List for 2004, the TUE standards, etc. The List required three months notice, so it had to be up and published no later than 1 October 2003.

There were a number of presentations to consider. Each segment would be introduced by one of WADA's staff members. These were discussion papers only; they were not intended to be decision papers.

Those present were asked to sign a roll call (Annex).

MS ELWANI noted that the Egyptian Ministry of Sports had translated the Code into Arabic, but the problem was that this had been a literal translation, so this was being reread to check that its meaning was the same as that of the English version. It would be printed in a book, with one side in English and the other in Arabic within the next three months.

THE CHAIRMAN thought that this was terrific news, and assumed that Egypt would disseminate it through the Arabic-speaking world.

Since all of the activities and the budget had been driven off the rolling five-year Strategic Plan, he asked Mr Wade to take the members through the Strategic Plan and to remind everybody where they were.

2. Review / Status of Current Strategic Plan

MR WADE thanked the Chairman. He wished to provide a very brief overview of the Strategic Plan, together with the five-year business plan and the Strategic Planning and Evaluation Working Group (SPEG) activities. A fairly good process was in place (the workshop was part of that process), but it was necessary to look at the content. WADA had a current Strategic Plan in place with a five-year rolling business plan, which was a detailed document and represented a hybrid approach to strategic planning, and had often been referred to as a living document. It had been important to WADA as a new organisation, and the Olympic Movement and governments had felt that sufficient detail in the Strategic Plan was important, and one of the advantages was the ability to respond to emerging demands and opportunities. With regard to international approaches, many authorities were to work with WADA: the Olympic Movement, the public authorities and the anti-doping agencies.

The WADA Strategic Plan had been accepted in Cape Town in 2001. The Code represented a world that valued and fostered doping-free sport. Its mission was to promote and coordinate on an international level the fight against doping in sport in all of its forms. This represented a comprehensive approach to doping-free sport, and the key goals (in the handout in the members' files) had been captured in this approach. WADA knew that, as an organisation, it needed to identify a process, and a Strategic Planning and Evaluation Working Group (SPEG) had been set up, comprised of the WADA management, a member of the WADA Finance and Administration Committee (Mr Reddie), a government representative (Dr Stretton) and an Olympic Movement representative (Mr Sprunger). The roles and responsibilities of the SPEG were to review and make recommendations on the Strategic and Business Plan (both in format and content) and to provide recommendations on the annual operational plans, as well as to oversee performance measurement.

The World Anti-Doping Code was now a reality, and had been adopted at the World Conference on Doping in Sport in Copenhagen in March, 2003. The Code, with the standards, represented a changing environment and the new World Anti-Doping Programme. The purpose of the workshop was to set the tone to work together, test themselves and agree on the way forward in a way that was responsible, met the needs of doping-free sport, and was consistent with the new World Anti-Doping Code.

THE CHAIRMAN asked if anybody had any questions on where WADA had come from. Did anybody have any thoughts on how that could be improved? Or, could he take it

that WADA was the most perfect organisation on the face of the planet and that nothing could be done to improve it?

DR STRETTON asked what the time-frame was. When would the SPEG come back to the Executive Committee and the Foundation Board with recommendations on the Strategic Plan?

MR WADE replied that this issue would be covered under item 8 of the agenda.

MR REEDIE said that the meeting of the planning group had been a telephone conference, in which he had been unable to take part. He suspected that this was important enough that that group should meet for a day somewhere rather than discuss by telephone.

DR STRETTON agreed, but the meeting should not be in Montreal.

MR WADE said that it had been decided not to provide members with yet another copy of the Strategic Plan, but there were some copies available if members required them as a reference.

THE CHAIRMAN asked whether the idea of a five-year rolling Strategic Plan was the best way of making sure that all of the stakeholders had a sense of where WADA was going. Regarding the SPEG, the executive group that would drive the process, was this a useful mechanism to maintain? The members could say yes if they wished.

MR HOWMAN added that it was the management's view that this was the right time to have a total review of WADA's activities, so he thought that the Executive Committee should try to get into the activity discussion, which would provide more fruit than just a process discussion. The management was pretty comfortable that the process was heading in the right direction, so that WADA could do more in November, but he was intrigued about what people might think about the key activities and how the Code affected the way in which WADA had to operate from 1 January 2004.

MR WADE said that this had been discussed in the SPEG, and he thought that everybody would agree that the five-year business plan concept was important to have, but it was just a matter of the format and how it all fitted with the Strategic Plan versus the business plan versus the annual plan.

DR STRETTON was sure that it would be possible to come up with a much simpler document. He did not think that WADA needed to agree straight away on what form it would have. It was necessary to simplify it and come up with fewer, more targeted activities.

THE CHAIRMAN agreed to suspend discussion on the process until more of a feel for the content could be gained. There had been a plan that had undoubtedly been far more detailed than it had to be, but since it in turn drove the budgets, WADA had had to have it. As WADA began to mature, and knew what the mission was, this could probably be simplified.

MR LARFAOUI referred to the revision of the activities. He thought that these should continue. Maybe a discussion should be held on the activities in the light of WADA's experience, but why should there be a revision? Would the activities be changed?

THE CHAIRMAN said that activities would not be changed, but the members would discuss whether to adjust them. The purpose of the workshop was to put everything up for discussion, for example, a member could ask why WADA was doing testing, or whether WADA should be performing in-competition testing. There were lots of things that could be considered from a philosophical, as well as a practical, point of view. The goal was not to completely redraft the organisation and activities.

3. Role of Strategic Plan Evaluation Group (SPEG) and Key Objectives

DR STRETTON introduced the item. He had been asked to be a member of the SPEG. He was sure that all of the members knew that, once he was made a member of a group, he could not resist asking questions. He saw his job at times as being a professional sceptic, but on this occasion, Messrs Howman and Wade had called his bluff and asked him to put some of the questions down on paper and actually try and answer some of them. The paper had been prepared very quickly with a colleague and, whilst he was very happy with the broad thrust of the paper, he would not want to be held to every word. He was assuming that the Chairman would expect him to challenge, so he intended to do so.

He had thought that it might be useful to start by saying what WADA was not and could not be. WADA was not the main player in the anti-doping activities. A budget of around US\$ 20 million was obviously a large amount, and WADA could do a lot with that, but it was a relatively small share of the total expenditure worldwide on anti-doping activities. Most of the activities would and should happen out there among countries, sports, NADOs, etc., and WADA would succeed only if it could facilitate and assist the other players; if it could somehow act as a catalyst. WADA had very few powers: it could not impose its own sanctions, fine or put people in jail. It could convince others to impose sanctions, but WADA itself relied heavily on its moral authority to achieve things, and that was fine, as one could do a great deal with moral authority, but it required that WADA's own behaviour be beyond reproach. If one of WADA's roles was to monitor others and comment on their failings, WADA could count on the fact that everyone else would be looking very carefully at WADA and all that it did to try and find flaws in the way that WADA behaved and undermine its authority.

With regard to the overview of what WADA was, he had summarised it in a diagram on page 9 of his paper (Annex). Harmonisation was one of the first priorities of WADA, and Dr Schamasch had made that point very forcefully at a previous WADA meeting. When it harmonised, WADA was harmonising the work of others, reaching agreement on common standards, and empowering others to achieve the best outcomes.

With regard to monitoring, once the standards had been set, it was important to ensure that all of the stakeholders were living up to those standards. The essential aspects were that WADA monitored and reported on compliance with the Code. He was not sure that all of the aspects of compliance had been covered. How would WADA monitor that signatories were complying with the Code? How would governments' compliance with the Copenhagen Declaration, and later with the UNESCO Convention, be monitored?

Where research, education and advocacy were concerned, it was interesting the number of times people asked him, when he told them that he was off to Montreal to attend a WADA meeting, why he bothered. This sentiment underlay the fact that WADA was operating in a dynamic environment. The paper on research made a very convincing case that WADA should make a contribution to the research. It recognised that research was very new and not yet part of the core funding infrastructure in most countries. It was very important that WADA's focus should be on the coordination of anti-doping research worldwide. The dynamic environment also highlighted the importance of education for athletes, support personnel and sports organisations. WADA would make a difference by developing best practice modules and coordinating efforts so that countries and sports could learn from each other.

DR STRETTON thought that the issue of testing was, in some ways, one of the most difficult to address. Some countries and sports did not have testing programmes of an acceptable level or standard, and a level playing field for athletes required quality testing. Capacity needed to be built in these regions, and WADA should debate to some extent whether WADA funds would be better spent on developing regional testing facilities or conducting the tests itself. Having said that, he was enough of a pragmatist to accept that WADA's would be involved, in the short-term at least, in testing, but for

the short-term, testing should be highly focused and should empower others rather than creating dependence. He was concerned that there would be a conflict of interest if WADA conducted testing. Its credibility would be undermined if commercial relationships seemed to impact on the independence of that monitoring or if decisions on monitoring could reflect on the competence or efficacy with which WADA undertook some parts of its own activities. In the medium- to long-term, WADA would not be engaged in both doing and monitoring. Joseph de Pencier, one of his Canadian colleagues, had discussed this issue of possible conflict of interest, when he had said that it was *at best awkward for WADA to operate in the field in which it set the rules. I believe there is potential conflict in WADA setting and maintaining international standards on the one hand, and attempting to operate in accordance with them on the other. This places WADA's unique authority in jeopardy. WADA risks becoming just another anti-doping organisation; one without the stature to establish and nurture the standards that ought to govern the operation of anti-doping programmes.* These were very true words but, in the short-term, WADA would be involved in testing (at least in out-of-competition testing) and would need to think carefully about how to manage that potential conflict of interest. He did not think that it was possible to perform in-competition testing and have Independent Observer programmes. Out-of-competition testing performed should be highly targeted and seen as a short-term option.

WADA needed to have clearly enunciated and understood values, such as independence, an ethical approach, accountability and professionalism. Agreeing with such values was reasonably easy, but WADA needed to be clearly perceived by all stakeholders as living up to those values.

In terms of how to set up priorities, it would not be possible to do everything and do it well, even if all of the budget were available. It was very important that WADA have a shared understanding of its vision and the mission, fewer goals, and shared activities upon which all of the members could agree. It was much more important that WADA do fewer things well than do many things poorly.

Looking to the future, he suggested that WADA probably needed greater focus on empowering others rather than creating dependence; to work with the existing national and sporting infrastructure; to monitor compliance with the Code; to agree on a set of values to define the modus operandi of WADA; to do what others could not do; and to make a difference: the ultimate test of any public policy.

4. General Discussion Paper on WADA's Emerging Responsibilities

MR HOWMAN wished to remind the Executive Committee of where WADA had come from. From the outset of the first Foundation Board meeting in March 2000, it was clear the key areas had been those highlighted by Dr Stretton. The Code itself led WADA to mandatory activities that he had outlined in a paper that the members would see later that day. The second major activity that had been keynoted at that first meeting was research. The third activity was out-of-competition testing, and the fourth was conducting the Independent Observer programme. The fifth major activity, which continued to be on the table, was that of education. If the members analysed where they had come with each of these activities, they had done the harmonisation by introducing the Code; they had so far spend more than US\$ 12 million on out-of-competition testing; they had budgeted US\$ 16 million on research, but spent only US\$ 9 million, so WADA needed to reflect on its priorities, as research had been mentioned as a priority activity but had been cut back significantly on an annual basis because of fiscal difficulties. WADA had produced two Olympic Games Independent Observer reports and many other Independent Observer reports, which had been of significance and use to the world at large, and in particular to the public. The staff had been increased from one to 38 members; at the start of that year, there had been projections showing that the staff required to carry out the tasks under the Code might go as high as 76. This gave the members an idea of the significance of the task that WADA confronted as a result of the

Code, the priorities, the activities and the money to be spent on each activity, and he hoped that it would be possible to reflect on these things.

THE CHAIRMAN noted that this was a very useful starting point for the day, and suggested using Dr Stretton's slide presentation to help shape the discussion and focus the discussion as the members looked at all of those elements. WADA was clearly not the main player, in terms of size and volume in the fight against doping in sport, and had very few powers. WADA's principal power under the Code was its independent right to appeal decisions to the Court of Arbitration for Sport (CAS). The moral authority was probably the main stick that WADA had, and he certainly agreed that WADA needed to make sure that it was not only innocent but above suspicion, like Caesar's wife.

Was there anything in Dr Stretton's analysis that should be expanded upon or refined?

MR RIISKJAER congratulated Dr Stretton on his profound paper. In his mind, WADA was a house resting on four cornerstones: its authority rested on two cornerstones, which were the Olympic Movement and the governments, and the implementation of policy rested on two other cornerstones, the IFs and the NADOs. Perhaps WADA underestimated the role of the NADOs. WADA should develop, promote and encourage the foundation of NADOs, and its strategy should reflect this, because if WADA succeeded in developing NADOs, they could be the answer to many of the questions raised in the paper.

MR DEVILLERS was sure that this was an issue that WADA would get to but, regarding the slide on research, education and advocacy, WADA should concentrate a little more on Outreach. Mr Riiskjaer referred to the four cornerstones, and the government participation as evidenced by financial contributions, or the lack thereof, was an area that needed to be worked on and which needed to be referred to somewhere in the Strategic Plan.

MR REEDIE said that it would also be quite useful to see where, after three years, the view would be from the major stakeholders. He would try to have a quick run at it. The governments seemed to him to want harmonisation, particularly of penalties; in the main the IFs (but not the three represented around the table, as they had good out-of-competition testing programmes themselves) wanted WADA to be a service organisation to do out-of-competition testing for them; and the athletes, whom WADA was clearly there to represent, did not seem to have a particularly clear view of what they wanted, other than to know that adequate and good testing was done as often as possible. The IOC, WADA's most regular funder, wanted more research and independent observation. At the end of the day, he thought that WADA was probably on the right lines on an approach over five or six different headings, but the issue would be how to prioritise them and how to allocate slightly scarce resources to one as opposed to the other.

THE CHAIRMAN referred to the issue of harmonisation. He thought that Dr Stretton had identified the three major elements. He was assuming that all of the stakeholders favoured the idea of harmonisation, that there should be the same rules across each sport and each country, and that was something that WADA had managed to persuade pretty well everyone about it in the Code. The only areas in the Code in which he saw some discomfort on harmonisation was in the application of the first penalty for a major offence. The two-year penalty was a norm. It might be lower, or it might be higher. Each case was an individual case, as FIFA liked to say. Everybody wanted to be able to consider the particular circumstances of every case. WADA needed to get that outreach to its constituents. Within governments, he thought that there would be some concern. France was engaged in a consultation process, because clearly, to be Code-compliant, it would need to consider some variation to its existing law, and there were other countries that might have to do the same, but he thought that the concept of harmonisation was pretty well accepted and pretty well understood.

DR STRETTON agreed with the Chairman on that. He thought that this did not apply to France alone. Australia was also now grappling with what this meant for its

legislation. No easy task had been set by WADA for the IFs and governments, which had to make changes and sometimes define the smallest things ever thought about. They would hit brick walls every now and then, and that was fine, but WADA should not underestimate the difficulty for all countries. There was a great deal of anxiety out there, but the national sporting bodies wanted to know exactly what to do to comply. The education thing was really important. It was also important that the sporting bodies retain control over this whole anti-doping movement. He thought that the battle on harmonisation had been won, but a lot of work would be needed to make it happen on the ground, and this should not be underestimated. With regard to Mr Reddie's point regarding governments wanting harmonisation of sanction, well they did, but they wanted lots of other things as well. He thought that there was a real tension that would develop between governments and IFs, because governments had agreed that that monitoring would be needed after harmonisation. The governments regulated; he was willing to accept that they overdid it, but they actually knew a lot about how to do it, and it was not possible to monitor and do, at least not in the long run. So, if WADA needed to test for some period, it was moving out of it and would need to think about how to handle that conflict of interest, as it would arise.

PROFESSOR LJUNGOVIST congratulated Dr Stretton and those that had produced the material. This review had been badly needed for a long time. At the time of creating WADA, the members had seen the need for a body to harmonise activities and results management and make sure that the same procedures existed throughout the sports movement, as well as a monitoring mechanism, and there had been a need for more anti-doping activity. He was happy to note that one of the main arguments raised by the Olympic Movement had been the need to finance research, which needed governmental support as well, for many reasons, such as the harmonisation of penalties. What were the athletes expecting? The same penalty for the same offence. They did not want to see those that had committed a doping offence in sport. This was an interesting attitude, and it would not be possible to exercise the mechanism of the same penalty for the same offence unless the governments were with the IFs and WADA. This was a serious question, so he strongly approved and was very pleased with what he had seen and heard. One of the strongest arguments used for the creation of WADA was the increase of testing activities throughout the world, particularly out-of-competition testing. He had said it so many times that that should be a major task for WADA. He was ready to agree that this was probably something that would need to be reviewed. He could now see that WADA, to remain independent, needed to ensure that proper testing was conducted rather than doing it itself. That was the ultimate goal. The out-of-competition testing conducted by WADA was not much compared to what was going on around the world, and was less than he would have hoped. A mechanism was necessary whereby WADA could make sure that proper testing was being conducted by those responsible for doing that. He thanked the members for a good start to an important discussion. The members should be able to review and also revise if necessary.

MR RIISKJAER felt that the consensus was that the weight should be on monitoring and not doing, therefore WADA should put more focus on the NADOs, because they would be the main organisations for doing the tests.

PROFESSOR LJUNGOVIST fully agreed, but then WADA would need to identify the roles of the NADOs in comparison to those of the IFs. In his view, the NADOs concentrated on athletes at all levels, whereas the IFs concentrated on the elite athletes, and this was where WADA would have a little problem here in finding the right mechanism and giving the right advice. What was WADA supposed to do regarding education? It would have to ensure that there was modern and up-to-date educational material available for the use of NADOs and IFs.

MR RIISKJAER noted that testing should be characterised by independence, which was why it was so important for him to expand the concept of independent NADOs.

MR DEVILLERS said that the monitoring should be seen from that independence, and not the closed-shop aspect, which was why WADA was on the right track with the

regional offices. It was an issue that came up when dealing with parts of the Americas that were not participating in WADA at that point. This was another important aspect to bear in mind.

THE CHAIRMAN noted that it was interesting that, when WADA had started off in 2000, it had known, as had the IOC, that it was important for the integrity of the Olympic Games to have Independent Observers in Sydney. That had been mission number one. The other mission had been to expand the base of out-of-competition testing, and when WADA had started to do that, it had discovered, to its horror, that the majority of the sports did not even have rules that permitted out-of-competition testing. This was what had led to the programme of testing. WADA had put together the matrix of sports where the risk of doping was high, medium, or low, and then crossed that with programmes in place. He thought that, in WADA's first year, it had carried out something in the region of 2500 tests, spread across those sports with high risk and low programmes, but it had taken until well into the third quarter of 2000 for some of those sports to adopt the rules that even permitted that kind of testing. He agreed that as a percentage of the total number of tests going on around the world, WADA's tests were nothing. But they were symbolic, and they were in areas where there would not otherwise be testing. That was an issue, but did it contain the seeds of its own conflict? It probably did, and the idea of making a number of things clear. One was that WADA tests were not a substitute for other tests. WADA funding was incremental and not replacement. Number two, over time, these sports, in order to become co-compliant, would be obliged to have an out-of-competition testing programme. Come 2008 and 2012, according to the Code, if it did not include a testing programme, then that sport would not be in the Olympic Games.

It would be very difficult for some governments to get from here to there. He did not think that WADA should be under any illusion that, merely the fact that by the time of the Olympic Games in 2006, there was a convention to which the governments had to subscribe, meant that the domestic legislation in each country would be compliant by that time. He thought that that was a pipe dream, but what it did do was take a lot of the worry out of possible differences between sanctions.

With regard to monitoring, Dr Stretton had said that the governments knew how to monitor and regulate, and WADA would need some of that expertise because, as of 1 January 2004, it would have 200 countries, 75 IFs and 200 NOCs, along with a whole bunch of other organisations, which were supposed to be compliant. It would need to understand how to do this. WADA had a duty to report on whether countries were compliant or not. Part of its internal task would be to develop such techniques, relying on the best experience of the governments. As far as the athletes were concerned, if he were an athlete and WADA were fully developed and doing what it should, he would want to understand that it was wrong to dope, and know that the "suits" would catch anybody who was doing it, and be satisfied that people who cheated would be taken out of the competition. It was not much more sophisticated than that. How WADA achieved it was.

Research, education and advocacy were something WADA could do that others might not be able to do. Outreach was all part of getting out there so that people knew. WADA's Outreach people had come back from Santo Domingo earlier that year astonished at how little athletes knew about this field. The advocacy part of this was therefore very important to WADA. It was also important to address the anxieties of some of the sports organisations out there. He thought that it was a genuine desire to be compliant, but they had no idea what it was that they had to do.

Research was something fundamental that WADA could do that probably most NADOs were unable to do. The funding of and the identification of appropriate research and the maximisation of the leverage that WADA could provide with incremental funding could greatly advance the amount of research done in areas of interest to WADA.

Did anybody have any other comments on the testing aspect of this?

MR RIISKJAER noted that there was a great deal of research taking place on a national level in Europe, so it was also important for WADA to coordinate research taking place on a national level.

MS ELWANI pointed out that, as Mr Reddie had mentioned previously, all the athletes cared about was that everyone was clean, but they also wanted a cheat to be banned correctly when caught. Research and the product of it were also really important to athletes, in other words, what else was being done out there to make people cheat? WADA should be careful not to set a standard and then say that it did not mean that it would do all of the testing all of the time.

MR LARFAOUI said that, before the creation of WADA, the IFs had been faced with the problem of doping. Their mission had been to promote and develop their respective sports. It had been a dream for the IFs to have an organisation to take over the responsibility for doping and testing, as the IFs had had to deal with all kinds of problems, including legal ones, which had led to the creation of numerous doping commissions and panels, and all of the resulting costs. WADA's creation had been a great windfall: an international organisation to manage all the problems created by doping. This was a dream that the IFs thought might become reality; that WADA would take responsibility, from the testing to the laboratory analysis to an anti-doping panel to take decisions as to sanctions. Harmonisation and standardisation of anti-doping-related activities was the dream of the IFs. Research was good, but there were laboratories that worked to try to find the kinds of drugs that could not be detected. What was needed was a body to manage all of the operations, with the collaboration of the IFs. He thought that the NADOs should be able to take care of the non-elite athletes, and the IFs the elite athletes, and that WADA should be seen to manage everything so that it was all harmonised, the same the world over.

MR KASPER added that it was the dream of the IFs to get rid of the whole thing. All had dreamed that they would be completely out of it once WADA was set up. Athletes wanted to undergo only WADA tests, as they believed that WADA was the only independent body. If he went and told the athletes that WADA could not do the tests because it was afraid to lose its independence, then what was the solution? WADA would probably mandate somebody else, but who would pay for that? The IFs expected WADA to pay for tests performed outside their own mandate. Even for a medium-sized IF, it was almost impossible to afford every amount spent on the doping programmes, going to court every two weeks, etc. He really believed that WADA should keep up out-of-competition testing at least for the next five to ten years.

THE CHAIRMAN was glad that differing views were being expressed. As a lawyer, he did not see how the IFs could stay out of court if they insisted on the autonomy to impose the sanctions. If they said that WADA would pick the people and impose the sanctions, then that was a different kettle of fish. Many wanted the power without the responsibility. Half of the IFs were a small office without any idea of what was happening in the gymnasias around the world. It was a bit of a dream to say "WADA is here, thank God, we can wash our hands of this nasty doping and WADA will take care of it, and we don't have to pay for it any more." Good luck.

MR KASPER agreed, but it might kill the harmonisation. He pointed to the last CAS decisions, the last five or six cases from his IF had gone from the two years to at least five or six months less. This independence that WADA wished to give the IFs within the harmonisation could destroy the harmonisation.

THE CHAIRMAN said that a paper on the CAS had been prepared for the members.

MR LARFAOUI gave an example of the conclusions of the new Code. In the past, there had been out-of-competition testing, but regional federations and NOCs did the testing. Positive tests would be sanctioned by the IF with a four-year ban. A group to judge the athlete in his or her own country would give only six months, according to national rules. At the time, it had been possible to reopen cases and re-judge athletes,

and give the ban provided for by the rules of the IF. The IF no longer had the right to review a case or go to the CAS under the Code.

THE CHAIRMAN noted that Mr Larfaoui could always change the rules so that it came to FINA. He thought that the right of WADA to appeal on its own account was going to be a very potent lever to get standardised treatment of such cases. They would see.

Did anybody have any comments on the testing? He thought that it was clear that WADA had a potential conflict to deal with. Referring to the slide on values, were there any other comments?

MR RIISKJAER noted the term *accountability*; why was this used rather than *transparency*?

DR STRETTON said that, in Australia, *accountability* was always talked about in the government, but it was the same concept.

THE CHAIRMAN said that, as for setting the priorities, he thought that the most important point raised by Dr Stretton was that WADA could not do everything that it might like to do in a perfect world and do it properly. Did anybody have any thoughts on the concept of being all things to all people or occupying a certain number of niches and doing first-class work? He thought that it was pretty close to self-evident but, if not, it should be discussed.

PROFESSOR LJUNGOVIST said that this was a matter of budgetary resources. Research was being done on a national level, but all knew that it was not a priority area for research funding in any country, so the sole solution at the national level would be to create a fund specifically for the purpose of doping research. This had been done in the USA and some other countries. Research was one of the most easily identifiable tasks for WADA. As for it being a budgetary matter, when several years' budget had been contemplated, it had been foreseen that, for 2003, research would have some US\$ 7 million available for research, and the actual figure was much lower than that, which was a risk factor, as researchers went where the money was available and were very closely following where the funds were and the credibility of those funds. Unfortunately, WADA's budgetary situation had not met the expectations of the researchers, and it had been possible to see that during the last round of applications. WADA could not hope for national funds to cover the needs that WADA saw. He agreed that WADA should coordinate.

THE CHAIRMAN asked what a WADA test was. What did that mean?

DR STRETTON replied that he would have thought that it was a test that WADA funded. There were obviously lots of answers. WADA did not actually take the samples or perform the laboratory analyses but it paid for these and made everything happen.

THE CHAIRMAN asked the members to hold that thought in view of the concern that testing and monitoring were perhaps antithetical.

MR RIISKJAER said that the key word was independence. A WADA test was, in his mind, a test carried out by a body delegated by WADA to perform this test. This could be a NADO, asked by WADA to perform a test on an athlete. The main point was independence and accountability.

THE CHAIRMAN noted that, if WADA simply paid for it, and IDTM did the collection, somebody else selected that athlete, an accredited laboratory analysed the results and simply advised WADA whether there was an adverse laboratory finding or not, how did WADA get into an eventual conflict, or did it? This should be thought about as the members went into the testing, as they might have jumped down a well sooner than they had to.

MR HOWMAN said that WADA had contracts with all the IFs in the name of WADA, and those contracts dictated what WADA did, which included the selection of athletes for testing. WADA was the recipient of information as a result of the testing pool, so it was

necessary to look at the actual contracts. For instance, WADA was not allowed to comment on cases for which it had tested, so it would have to tell the President not to comment publicly on certain cases because WADA was the recipient of the results of those.

THE CHAIRMAN wished Mr Howman luck.

MR ANDERSEN pointed out that the selection was done by WADA. The contract did not state anything about who to select, which was, of course, done by WADA.

MR LARFAOUI asked upon which basis WADA could select athletes to be tested without the participation of the IF concerned.

THE CHAIRMAN replied that WADA decided "yes" or "yes".

MR LARFAOUI said that there were athletes for which each IF demanded tests. The IF selected the athletes to be tested.

THE CHAIRMAN said that somebody from one IF had said "you may test only those athletes that I identify" and, of course, the concern there was that nobody serious would be identified.

MR KASPER noted that there had been two or three positive cases at his sport's world championships, and WADA, which had been present with an Independent Observer group, had carried out additional WADA tests and found additional positive cases. This additional testing had been, in his view, a typical WADA test.

THE CHAIRMAN said that a WADA test could mean many things.

As for the future, he thought that one of the interesting parts was the concept of empowering others to be active in the field. One of the things he had found was that many countries thought that they could not do anything about the fight against doping in sport without their own laboratories; it was not necessary to have a laboratory in order to fight an effective fight.

MR RIISKJAER totally agreed, which was why he thought that WADA should encourage the development of fewer and concentrated regional laboratories.

DR STRETTON thought that empowering others was really crucial, and also came into the earlier question about priorities. It was necessary to think about how WADA's policies and programmes could ensure that everybody could do their own work effectively and, if WADA got that wrong, then it would be screwing up the whole system. He did not know exactly, it was very general, but he just thought that it was important to remember that WADA was working with others and would succeed only if it helped others to do their jobs better.

PROFESSOR LJUNGQVIST agreed with his Danish friend that WADA needed good laboratories in strategic places. Only six of the 30 currently accredited laboratories tested for EPO. It would be nonsense and a waste of money if all laboratories tested for the same substance. There would be a standard programme for the laboratories, and some programmes for further research. This was the laboratory way of working at an international level: everybody cooperated, they all had a standard menu, but worked in different additional directions. Education was needed to tell those concerned that a laboratory was not necessary.

DR RABIN noted that the Executive Committee could currently take a decision regarding laboratories based only on the technical elements, meaning the ability of the laboratory to properly test for substances. There were a number of laboratories knocking at WADA's door and he was not sure that additional laboratories would better serve policy.

THE CHAIRMAN suggested taking a break before discussing the Code, which would be a big chunk of what WADA needed to do.

5. Overview of the Code and Review of WADA's Responsibilities

THE CHAIRMAN said that the staff would provide an overview of the Code and a more in-depth look at WADA's responsibilities. He asked Mr Howman to introduce the subject.

MR HOWMAN informed the members that Mr Andersen would give an overview of the Code activities, and he would present the background paper, following which each of the individual papers would be discussed.

5.1 Review of the Code, World Anti-Doping Programme and Various Stakeholder Responsibilities

MR ANDERSEN gave a short overview of the World Anti-Doping Programme. This consisted of Level 1, the World Anti-Doping Code, Level 2, the International Standards, and Level 3, the Models of Best Practice. The Code framework had been produced from September to November 2001, whilst the backbone of the Code had been developed from December 2001 to April 2003. The first draft of the Code had been worked on from May to September 2002, with the second drafting taking place from October 2002 to January 2003. The third draft had been produced in February 2003, and presented at the World Conference on Doping in Sport, which had been held in March 2003. With regard to phases, phase 1, the development of the Code and the standards, had been completed. WADA was currently in phase 2, adoption and acceptance of the Code. Some IFs had jumped ahead into phase 3, implementation of the Code, whilst other bodies had yet to reach phase 3. Implementation had to be completed by February 2004. The purpose of the World Anti-Doping Programme was stated in the Code; it was intended to protect the athletes' fundamental right to participate in doping-free sport, and this promoted health, fairness and equality for athletes worldwide; and to ensure harmonised, coordinated and effective anti-doping programmes at the international and national level with regard to detection, deterrence and prevention of doping. The purpose of the Code was also to advance the anti-doping effort through the universal harmonisation of the core anti-doping elements. It was intended to be specific enough to achieve complete harmonisation on issues where uniformity was required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles were implemented.

MR HOWMAN referred the members to the discussion paper about WADA's requirements under the Code (Annex). The paper included an introductory two-page summary, to ensure that everybody was alert to the number of tasks that WADA simply had to look to under the Code. It was a daunting task to make sure that WADA conducted under the Code itself. The paper identified quite clearly the issues that WADA confronted in being effectively the watchdog of the Code and the monitoring agent in relation to it. He had then analysed each segment in some more detail. He hoped that WADA would address these more specifically as the day went by. He had tried to look at the key activities and responsibilities and examine each one from a historical and practical point of view. He did not want to examine each particular segment at that point, but wondered if there were any questions or comments about the more general paper in the members' files.

THE CHAIRMAN asked whether Mr Howman was speaking to the eight-page paper.

MR HOWMAN said that he was speaking to it to say that it was on the table, but did not wish to go through each detail then; rather, he wanted to come back to it throughout the meeting.

THE CHAIRMAN asked whether they could go back to the paper and summarise it.

MR HOWMAN noted that that summarised his intention. The first paper he wished to put to the members was on ADAMS.

5.2 In-depth Discussion on Core Activities

ADAMS

MR HOISTAD explained why the ADAMS project had been started. WADA's responsibility under the World Anti-Doping Code was explained in Articles 14.3 and 14.5, as well as Articles 15.2 and 4.4. WADA had further responsibility under the International Standard for Laboratories and the TUE. The ADAMS team had gone through all of the requirements to see what it needed to do. The project had taken into account the collection of whereabouts information, to enable the athletes' governing bodies to collect and submit whereabouts information electronically to WADA, and testing information, to be able to collect testing information from all testing authorities electronically; collect TUE-related information from the relevant authorities; and to collect laboratory results electronically. The Doping Control Programme Management was to enable WADA to electronically plan, conduct and follow up its out-of-competition testing programme; to enable WADA's stakeholders to utilise the same system for their national and/or sports specific doping control programmes without significant financial implication; and to reduce the impact on WADA stakeholders caused by implementing the new responsibilities for reporting to WADA. The team had been working so that ADAMS could be built within an existing sports framework and in close cooperation with other sports organisations, such as the IOC, to ensure the creation of the best possible system to support WADA and its stakeholders in the fight against doping and increase the level of international coordination and transparency. The detailed approach for the ADAMS project was outlined in the documents for the following day's meeting (Agenda item 4). The agency's responsibility for collecting, managing and distributing such massive amounts of critical and sensitive information required a unique IT system, and no such system was packaged on the shelf out there today. ADAMS would become the mission-critical system for WADA that would be an essential component for all activities in the future. The initial phase of establishing this system would be undertaken in the coming eight to twelve months, however, ADAMS would be work in progress for years to come, based on WADA's Strategic Plan, responsibilities, activities and finances. What was important was that the choices made now would affect how WADA would conduct operations in the future.

MR HOWMAN said that he could add to that: the responsibilities under segments E and F of his paper quite clearly pointed out the duties that WADA had, which would be impossible without a system such as ADAMS in place. This was another really important issue to consider when talking about responsibilities under the Clearinghouse.

THE CHAIRMAN asked whether there were any specific things Mr Howman required from this portion of the discussion.

MR HOWMAN replied that he wanted only comments at that stage. It was important for people to voice any questions or issues that arose out of the ADAMS concept or the Clearinghouse responsibilities.

THE CHAIRMAN noted that one of the major issues was the extent to which WADA could fairly rely on the view that everybody was going to submit this information to WADA in electronic format in a way that could be digested. As a non-adept in the electronic world, this seemed to him a pipe dream; that, from 1 January, Costa Rica was going to submit the testing and whereabouts material to WADA in electronic format in a way that plugged right into ADAMS. What was being done to address that kind of issue?

MR HOISTAD replied that any PC could be used for this. Ways of faxing information directly into ADAMS would also be looked at. There had been a lot of focus on enabling the stakeholders to make electronic reporting by connecting into their existing systems. It would be a challenge, for example, there had been discussions as to how signed or translated documents would be received. There were issues still being worked on.

MR ANDERSEN noted that there was no anti-doping agency in Costa Rica but, if there were, it could be used to provide information to the Clearinghouse. So encouraging the

establishment of National Anti-Doping Agencies would offer a good opportunity to set up this system.

MR RIISKJAER highlighted the question of the division of labour. Many National Anti-Doping Agencies had already established a whereabouts system, so athletes should not need to communicate their whereabouts to such agencies as well as to WADA.

THE CHAIRMAN referred to his own country, which had quite a sophisticated NOC, and some quite sophisticated NFs, and other not so sophisticated NFs. He knew that the Canadian NOC had no idea where its athletes were. He did not know if the CCES had full whereabouts. How would WADA get people to know that they had to provide the information? This would be important. Would there be a phasing-in period? He thought that all of this had to be addressed from an input perspective.

PROFESSOR HENDRICK thought that the Chairman had flagged a very important point, as he was thinking about the problems that Africa would have with communication of such information.

THE CHAIRMAN asked whether the internet worked in most parts of Africa.

PROFESSOR HENDRICK replied that, sometimes, telephone connections could not be established. It was as bad as that.

PROFESSOR LJUNGOVIST said that the whereabouts system was probably one of the most difficult areas in which to obtain the proper information. In the IAAF's experience, whereabouts information was extremely hard to obtain. The principle of reporting was different in different systems. Would information be submitted on a weekly, monthly or what kind of basis? The solution his IF's congress had finally taken (which included all countries, even Africa) was that, if an athlete did not provide proper whereabouts information, he or she would have committed a doping offence. It was tough, but had been accepted. Something similar needed to be set up in order to enforce the system.

MR REEDIE thought that he was perhaps stating the obvious, but if the Code imposed all these responsibilities on WADA, WADA needed a good computer system to operate at all; this work was not doable manually. The programme would have to be developed once started, and the whereabouts of athletes would be the first challenge. He was afraid that WADA would have to bite the bullet and do it, and understand that, if that was the decision that was taken, it might, in purely financial terms, affect everything else done by WADA.

THE CHAIRMAN thought that what was important before approving the system was that the members needed to have in their minds what they expected it to do and how to get from zero to a system that would at least function in certain areas as of 1 January 2004. He did not know if it was as important to have the whereabouts on a system as the tests and the results management of those tests. Clearly, anybody with any experience in IT systems knew that these did not happen as quickly as one wanted; they almost never worked the first twelve times; and they were a bottomless pit for money. This was a big issue for WADA. What was the most important thing to have ready for 1 January? What was the next most important thing to have? How long would it take? How much would it cost? How much did WADA rely on others being computer-literate to make its system operable?

MR HOWMAN noted that one of the issues, from the management's perspective, was that the setting up of this system could not be delayed, otherwise, they would lose time and energy. In the meantime, a symposium had been organised that would take place in Colorado Springs on the specific issue of whereabouts information; how it could be provided; what actual out-of-competition testing was; whether it had to be done without notice; what WADA did in terms of evidence to be provided to any tribunal to present an anti-doping violation against an athlete who did not provide whereabouts information; what the tribunal should expect; and so on. WADA was examining that exactly as Professor Ljungqvist had suggested. At the end of the conference, a model of best practice might be developed, which would be open for consultation and discussion before

being implemented. This was how seriously WADA was looking at the issue. WADA intended to use the symposium as a two-day affair at the end of October.

MR BARNES found it difficult to believe that there was no existing solution that outlined the processes for collecting the information.

MR HOWMAN thought that this was a good point; WADA would be making recommendations the following day.

THE CHAIRMAN said that he still did not know what WADA would be able to do by 1 January 2004, or by 1 April 2004, as there was no plan of how to get there. Was this something to be decided on the following day?

MR HOWMAN said that he was hoping that the Executive Committee would agree with the recommendation of the report at the following day's meeting, which would put such things into place. During the next two months, between September and November, the group that he hoped to form would formulate the business plan and deal with the very issues raised, so that, at the November meeting, the members would be in a position to determine where and how far WADA would be able to go. They would hopefully then be in a position to do something on 1 January but, if it was a delayed process, maybe a little later in the year. It was better to get it right first time.

THE CHAIRMAN asked whether it would be of any help to that group to know what questions were coming out of the Executive Committee. Clearly important were phasing-in; the information needs; the inter-connectability; the access; the security. If he were trying to appear to be compliant but did not really care that much, he would leave out something from the information. Would it be possible to submit something if there were certain key fields left blank? Those were some questions that occurred to him.

MR KASPER asked whether WADA already knew who would have responsibilities in this respect. He personally believed that, by 1 January 2004, WADA should have at least the test management (the whereabouts might take a few years until it was really perfect), and that the IFs could deliver the information on elite athletes within a few months. It could even be done by hand. That could be done, theoretically.

MR ANDERSEN said that WADA was aware that there were several systems out there collecting whereabouts information. Some were manual and some were electronic. WADA planned to provide a tool through this system. There would still be responsibilities for the NADOs to collect it, but they could use this tool to make it easier; it would be one system, and the information would be fed into one electronic database, and would be accessible to everybody from that database, for instance, a track and field athlete from Sweden would fill in the information only once, and that information would be available to the IAAF, the Swedish National Anti-Doping Agency, and to WADA through one central database, but the work and the obligations would still have to be in the rules and regulations of the NADOs and IFs.

DR STRETTON agreed that that was absolutely right. ASDA, as Australia's NADO, did not have the legislative authority to do that yet, so Australia would need to change its legislation, both to require athletes to provide information, but also to allow ASDA to provide it to WADA. That immediately brought up all sorts of privacy questions. When one got down to putting it into legislation, there were all sorts of hurdles. Making it happen was not all that easy. He thought that, with the ADAMS part, there were some questions to be asked. What were the minimum requirements that WADA needed, in what time-frame, and what system would allow them to get there? In the end, it became an issue of priorities. He thought that the ICG paper was good, and he was reasonably comfortable with that. The choice that the members made would be based not only on that report, but also in part on the budget. They would need to make the choice when they had all of the information together, on the basis of what it delivered in terms of the Clearinghouse but also on the basis of what it delivered in terms of all of the activities of WADA.

THE CHAIRMAN asked whether there would be a discussion the following day focusing on the minimum requirements.

MR HOWMAN replied that these were contained in the brief that had been sent to CGI. WADA had included minimum requirements in the brief, and CGI had looked at the task from that basis. Then there were some discretionary components that could be added to the system, such as the harmonisation of out-of-competition testing, and so on. These were in the document from CGI.

MR REEDIE noted that one of the advantages of the delay of four hours was that he had had time to read all of the CGI report. It was a very interesting paper, as it seemed to him to answer many of the questions asked previously by Dr Stretton. It looked to him as if the Norwegian platform was probably the better option, but the Australian project was probably better in some of the details. The interesting question asked had been whether the two could be combined and, if so, how. CGI seemed to have said that, if WADA told it absolutely what it wanted its ultimate programme to do, then CGI would give WADA that answer, but WADA had not yet answered that. CGI was suggesting that, over a two-month period, WADA should put together the best brains that it and CGI had and come out with a list of things that said what the system must do. Unfortunately, WADA was one stage away from the financial and detailed information that would allow it to take that decision, but if it could be done quickly, then it seemed to him logical that WADA should accept the CGI recommendation and getting on with it at the earliest possible moment. The disappointing thing was that it seemed that WADA had not thought it through quite enough yet. Was that a fair comment?

MR HOWMAN replied that it was a criticism that had to be reflected upon. He thought that WADA had put the horse before the cart but had forgotten to hitch on the cart, so was catching up. This business plan should be put together, as Dr Stretton had astutely said in June that year, and that would hopefully receive the support of the Executive Committee the following day.

THE CHAIRMAN asked if anybody had anything to add.

TESTING PROGRAMME

MR ANDERSEN referred to the papers in the members' files (Annex). In terms of testing programme history, the out-of-competition testing programme had been a key mission for WADA in the early development. Since 2000, WADA had conducted 14,300 tests, resulting in over 90 adverse analytical findings. Federations and public stakeholders had valued and supported the programme. Items for discussion included why WADA should conduct doping controls if the Anti-Doping Organisations (organisations such as the IFs and NADOs) were fulfilling the role. There were bodies conducting out-of-competition testing out there. Was that not enough? Why should WADA not just act as the coordinating body? Did WADA need to conduct tests itself? Could WADA not just sit down and watch what the others were doing? WADA should go further, and ask who would test in those geographical areas with shortfalls, where no tests were conducted? How would WADA ensure that all programmes provided an objective / transparent approach to testing? Could WADA set standards and monitor those in the doping control environment if WADA was not actually the "doer" of the business? Who would test the athletes when they went abroad? The National Anti-Doping Agencies or the IFs?

In summary, was it possible to be a watchdog and at the same time conduct testing? This was an important question to raise. Was it possible to be a watchdog and at the same time accredit laboratories, approve TUEs and do appeals? If WADA should do testing, should WADA do more, or less, and how should this be conducted? What would be the worldwide implications to WADA with its stakeholders, athletes, the media and the public if testing were to cease? He agreed with many of the earlier speakers who had said that WADA should overlook what was happening out there, but was that enough at

this stage? Given WADA's right and responsibility in the Code to test athletes, what would be the implications to WADA should it choose not to implement testing? Should WADA be the "doer" and lead the fight against doping in sport?

THE CHAIRMAN noted that this was a good paper, and it put some very important questions to the group. It was necessary to consider carefully the principles, whether there was an endgame and how to get to it, and what really was the role of an anti-doping agency in the matter of testing.

MR RIISKJAER said that, in an ideal world, every country would have a National Anti-Doping Agency doing testing, and the role of WADA would be to coordinate and set standards, but this was not an ideal world, which was why WADA should promote and encourage the foundation of independent National Anti-Doping Agencies. The role of WADA was additional to the existing anti-doping organisations, so WADA should of course carry out out-of-competition testing when necessary in the short- to medium-term, but the main focus should be to encourage and promote the National Anti-Doping Agencies.

MR KASPER agreed in principle, but what were the IFs expecting? If WADA just sat back and watched, there would be a strong reaction from the stakeholders. He thought that Mr Larfaoui would agree with him.

MR DEVILLERS thought that this related back to the previous discussion: the obligations under the Code. There were obligations to conduct out-of-competition tests and conduct controls. Canada's position was that it needed to make sure that WADA did not establish an expensive in-house testing facility and that it avoid possible conflicts.

MR LARFAOUI said that he was somewhat lost. With regard to the revision of activities, he thought that WADA had been set up to help in the fight against doping in sport and the testing. The question was now whether WADA was simply to monitor. Monitor who? If WADA relied on the NADOs, there were not many, so there would be very few tests. The IFs would go back to doing the work and what would WADA do? Would it monitor the IFs?

PROFESSOR LJUNGQVIST noted that the key question was whether WADA should develop further into a testing agency or not. When WADA was created, he had advocated strongly that WADA expand out-of-competition testing and even in-competition testing, and take over the testing in world sport, which would mean something like 150,000 tests today. Now that he could see WADA's possibilities, he thought that he would have to revise his previous opinion, as it would be unrealistic to believe that WADA would ever have the necessary resources to do this, so it should supervise and coordinate on national and international levels. He would not recommend that WADA go into in-competition testing and expand its responsibilities. He agreed with the IF representatives that the hope had been for WADA to take over the testing from the IFs, but he did not think that this was realistic. He thought that the document presented that morning showed the potential problems in this respect. He would recommend looking for ways to make sure that proper out-of-competition testing was taking place. In areas where testing was not being done, WADA could go in and be helpful, by creating National Anti-Doping Agencies if possible or conduct testing for the time being, and it should urge that the rules be upheld.

MR RIISKJAER asked whether, if there were independent National Anti-Doping Agencies, the IFs would rely on these carrying out the testing.

PROFESSOR LJUNGQVIST replied that, yes, the IFs would rely on National Anti-Doping Agencies, if they were independent. The problem he could see was more one of capacity, since the National Anti-Doping Agency in his world would focus more on sport as a whole in the country in question, with the IF being responsible for the national elite. The IAAF had 1500 to 2000 elite athletes, but the total number of tests conducted was 16,000 a year. This was a division of responsibilities, but would not exclude good cooperation.

MR REEDIE pointed out that, when WADA had been established, everybody had had different ideas and expectations as to its priorities; these expectations were so great that WADA found that it now needed to monitor what was happening out there, but also do quite a lot itself, even if this did create a conflict of interest. He did not see any way of avoiding such conflicts of interest at that moment. As far as testing was concerned, WADA simply had to continue with an out-of-competition testing programme, given that the IFs were major stakeholders. WADA wanted to manage the process in-house, not do it itself, and wanted to head for quality rather than quantity.

He also thought that there was a way of dealing with the question of a conflict of interest in monitoring. Could WADA establish a separate company for out-of-competition testing, which itself would be monitored by the standards and harmonisation part of WADA? This would be rather better than the phrase "Chinese walls", and could make sense. He did not think that WADA should be involved in in-competition testing unless there was a clear demand for that service, and on a fee-paying basis. Then WADA could leave the organiser the right to go into that market. So he favoured the continuation of out-of-competition testing and counting on the experts, the IAAF, FIS and FINA, to maintain best practice as often as possible, and to separate the business.

MR DEVILLERS disagreed on the issue of setting up a new company, which would be difficult to justify on a political field.

THE CHAIRMAN asked again what a WADA test was. Was it just one that WADA paid for? Or one that WADA paid for but, as part of paying for it, WADA decided how to outsource? What was the difference between a WADA test and what people thought a WADA test was? He guessed that people thought that such test brought with it all the prestige, independence and knowledge that WADA had generated since its existence.

MR LARFAOUI referred to the concepts of coordination and monitoring. What was coordination? Did it refer to IF testing? Who did the monitoring? The IFs? The WADA tests were also paid for by the Olympic Movement, so the IFs did participate in their payment.

THE CHAIRMAN observed that, when WADA had been set up and had first started figuring out what it was for, the members had started with the assumption that all wanted doping-free sport and were committed to it, and the idea of WADA was to help, but not to replace, existing anti-doping programmes. The biggest fear was that the IFs would stop and WADA would take over the testing; that was not supposed to happen, and he thought that all of the IFs that had programmes knew that. WADA funding was meant to be incremental, not to replace anything already in place. Ideally, WADA should be encouraging more, not less, expenditure by IFs, anti-doping bodies, etc. He thought that Mr Larfaoui was asking good questions.

MR ANDERSEN supported the Chairman's remarks. There had been occasions on which one IF had decreased the number of tests, and WADA had pointed out that this was not the way to go forward. In the IF contracts, WADA did not specify any numbers. The system should not be predictable. Any information on IFs reducing numbers of tests would be acted upon by WADA.

MR REEDIE said that there seemed to be a number of different ways in which a WADA test could be generated. He thought that the definition of a WADA test was one instructed from the WADA office. WADA managed a programme; it did not physically do it. He would have the management of that programme separated, or a wall around the management process. He would not advise independent DCOs for WADA, but if people were concerned that WADA was instructing tests done by other people, then it seemed to him that WADA could put together a device whereby any conflict of interest would be minimised. If WADA was not a "doer", would it understand what best practice was out there?

DR STRETTON observed that there were so many issues to work out. He agreed 100% with the fact that, if WADA did testing, it could not replace testing previously done

by IFs of governments. Governments also funded WADA and funded infinitely more tests than the Olympic Movement worldwide and, if they were putting more money into WADA and the result was less IF testing, then that was a no-brainer. Maybe WADA should be publishing information on the number of tests undertaken by governments and IFs each year. He agreed with Professor Ljungqvist that WADA needed to accept that, in the short-term, it was required to test. If the members went back to the constitution, they would see that the idea was for WADA to coordinate, monitor and, where necessary, undertake testing. This was in the Code and the constitution. He would also like to ask what WADA was doing to develop the capacity of NADOs around the world so that they could eventually take it over. With regard to principles, it was about working with the infrastructure currently out there, and he still did not understand the argument for bringing the management in-house when there were people out there who could meet any of WADA's requirements. Bringing testing in-house did not mean short-term and meant that a lot of intellectual and emotional effort would go into that work and not into other things.

PROFESSOR LJUNGOVIST felt that the problem was with the sporting world at large on the national level, not the elite. Were there Olympic IFs that did not currently conduct testing?

MR ANDERSEN said that there were. Few IFs did comprehensive programmes, but less than half of the IFs conducted testing.

PROFESSOR LJUNGOVIST observed with surprise that this was not a great number.

THE CHAIRMAN asked whether WADA did a lot for those sports.

MR ANDERSEN replied that WADA was doing some, but the tests had to be divided amongst the total number of tests carried out by WADA in all of the sports.

THE CHAIRMAN assumed that WADA could perform fewer tests than it would ordinarily do in the three sports represented around the table that had comprehensive testing programmes, and more tests in the sports that did not conduct their own tests.

PROFESSOR LJUNGOVIST asked whether it was not WADA's responsibility to ensure that the IFs did conduct their own tests.

MR ANDERSEN thought that the task of capacity building was important, not only on the national level, but also on an IF level. Much of this discussion was based on an ideal situation and solution. There were so many holes in the systems worldwide that someone needed to perform tests in addition to, or instead of, those tests that should be taken care of by others.

With regard to the in-house issue, WADA was doing this through a consortium, consisting of Australia, Canada and Norway. He thought that the team had clearly outlined that specific targeted, more independent and more credible testing would be more efficient if it were done in-house.

MR RIISKJAER said that this was a fundamental choice, whether IFs or National Anti-Doping Agencies should be relied on. The Denmark agency tested all athletes, independent of which IF they belonged to. A system of National Anti-Doping Agencies would mean that the IFs would not have to build their own systems.

MR HOWMAN pointed out that more than US\$ 12 million had been spent in out-of-competition testing to date. When measured against an income of US\$ 37 million. That showed the priority that WADA had given to out-of-competition testing up until then. What priority should be given to testing, bearing in mind the various requirements such as research? It was not just a question of priorities, but how much WADA actually spent on doing it.

PROFESSOR LJUNGOVIST did not agree that the NADOs would be able to replace the IF activities, as the requirements might be very different. As an example, the IAAF had been forced not to recognise the anti-doping agency of his own country, as they had

different priorities. Despite the necessity to develop National Anti-Doping Agencies, the IFs should have out-of-competition testing systems in place, and it was alarming that more than half of the IFs did not.

THE CHAIRMAN said that it seemed to him that the NADO priorities could easily be shifted if they were going to take on increased responsibility. He thought that that could be an adjustment. He wondered if WADA should give those IFs without out-of-competition testing programmes some advance notice that, as of 1 January 2004, if they did not have such programmes in place, they would be non-compliant as far as the Code was concerned, and WADA should have a nice announcement when one adopted a programme and a list of those that still had to design and implement such a programme. HE was sorry to hear that over half of the IFs did not have such a programme. If they were not doing anything, then he thought that there was a problem. WADA's out-of-competition testing programme should not be regarded as a budget-relieving programme. Did WADA have a strategy? WADA needed to develop a communications strategy for that. It would be unfair not to warn them that they would be non-compliant as of 1 January, 2004. With regard to funding, the Olympic Movement contribution was not enough to cover the costs. There was currently a culture in which top athletes were, unfortunately, suspects. This was a problem that could not be addressed by pretending that the money that WADA could not even collect from the entire world would be enough to solve the doping problem.

PROFESSOR LJUNGQVIST realised that there was a problem with totally unannounced out-of-competition testing during off-season, and highlighted remarks that WADA out-of-competition tests had been pre-competition tests.

MR ANDERSEN agreed; this had been a problem, due to the lack of whereabouts information. Pre-competition testing was easier and cheaper to perform, but less effective than true unannounced out-of-competition testing. This strategy would be changed when WADA brought testing in-house.

THE CHAIRMAN noted that all were dependent on the quality of information that WADA could obtain on whereabouts. The highest risk was run when the relevant authorities did not know where the athletes were.

DR STRETTON highlighted the principles and the more focused approach. He wished to add the principle of additionality, in that WADA should work to ensure that the testing carried out was additional to that done by governments and IFs, rather than replacement.

THE CHAIRMAN clarified the difference between what they were doing and what they should be doing.

DR STRETTON agreed. Obviously, it would be important to report on how well the programme had gone against these principles and the testing plan, so that it could be seen that WADA was maintaining a very focused programme. He supposed that the members had left with them a way forward, as well as some tensions that could not be solved that day and to which they would return. He worried seriously about bringing the management in-house. He really thought that this was an error, but he liked the way in which it would be more focused. Perhaps somebody would come back later with a paper and a strategy on how WADA as an organisation could develop competence?

THE CHAIRMAN asked whether a clear description of what bringing something in-house meant could be provided.

MR ANDERSEN asked whether in-competition testing should be left alone for the moment. He would recommend this; but as for bringing out-of-competition testing in-house, WADA had taken the management in-house gradually, but was not doing testing, which was being done by the National Anti-Doping Agencies and IDTM. The shift from the DFSC to in-house was small, but WADA was saving money in not having a consortium all over the world.

THE CHAIRMAN added that there had been some feeling that WADA had had all of its eggs in one basket. His sense of a consensus was that there was no enthusiasm for in-competition testing. The members had plenty to chew on without getting into in-competition testing.

MR WADE noted that the issue of developing capacity would be touched on later and the following day.

MR REEDIE pointed out that there were approximately 5.5 people in the WADA office working on the management of out-of-competition testing.

DR STRETTON said that he worried about what the Chairman had said about bringing testing in-house. He felt that there was a fair bit of uncertainty and the fact that the Chairman did not know worried him.

MR REEDIE said that WADA worried about Dr Stretton worrying each time the matter was discussed.

MR HOWMAN noted that WADA was cutting out a middle man, and was doing everything more directly. WADA would hire one extra person in this area, but the numbers were being kept down.

MR DEVILLERS wished to be clear on the distinction between doing and managing the testing.

Post Note: It has been noted after the meeting that international federations do not in fact have to have an out-of-competition testing program under the Code. It is however a regulation that the IOC asks of federations in keeping Olympic sports status or recognized federation status. WADA has been asked to report to the IOC on that fact.

RESEARCH

THE CHAIRMAN handed the floor to Dr Rabin.

DR RABIN began his presentation with the key question of whether WADA wished to be a world leader in anti-doping research. Research had been a key role attributed to WADA since its creation. The Code confirmed WADA's roles and responsibilities in research, with Article 20.7.6 stating that the roles and responsibilities of WADA were *to promote, conduct, commission, fund and coordinate anti-doping research*, and Article 19.1 stating that *Anti-doping research contributes to the development and implementation of efficient programmes within doping control and the anti-doping information and education*. Research needed to be discussed at the meeting because certainly, for the past three years, financial investment in research had been theoretically one of the most significant for WADA, but was dramatically reduced because of the financial constraints faced recently. WADA had the will, but not the means, to support research. Faced with this recurrent financial issue, should WADA renounce its leadership in anti-doping research, or were there alternatives? It was obvious that anti-doping research was a recent discipline; it was also a transversal discipline, not a well established area in science and medicine, but one that was growing. There was also an embryonic network of experts, and no critical mass. There were currently dispersed and had limited financial resources. It was reassuring that there was a very good understanding of some of the main issues related to anti-doping research, but there were limited human and financial resources to address such issues (he was talking about applied, rather than basic, research). WADA's future role depended mainly on some funding issues.

He had some questions, which he wished to flag in order to open the debate. Should anti-doping research remain one of the WADA key priorities? It was a budget-consuming issue. Should WADA withdraw from research activities? Then again, was there any alternative organisation to ensure worldwide coordination and support? Should WADA maintain some limited, low-level resources? Could WADA play the significant and credible role highlighted in the Code with low-level funding? Could WADA commit to

allocating significant and sustainable financial resources for research? What would be a coherent level of funding? What percentage of the total budget should be dedicated to research? How could they ensure that WADA's research efforts achieved their objectives? It was necessary to be accountable and transparent. Had WADA already delivered? WADA had already achieved some significant results. Could more be expected from research and could better use be made of the achievements? Research was often in the media spotlight and could certainly give strong support to WADA's activities in terms of communication. All of these were open questions and he thought that, once the members had answered some of these key questions, they would probably have a clearer view of where they wanted to go in terms of research within WADA.

MS ELWANI noted the need to put priorities in place. If the members were trying to compare or decide which area was more important, they needed to know the consequences and if anybody else could take over one of these areas, for example research or out-of-competition testing.

MR HOWMAN added that, over the past three-and-a-half years, WADA had committed almost US\$ 7 million but spent only about US\$ 2.5 million, because of fiscal problems, whereas over US\$ 12 million had been spent on out-of-competition testing. The members needed to decide what they wanted to spend on each area.

MR DEVILLERS highlighted the need to look at the social and behavioural aspects of the problem of doping and not strictly the pure science of chemicals. Funding other than traditional sports budgets should be looked into. The government partners in WADA needed to explore that to the fullest extent, as this might be a way to get the contributions up.

PROFESSOR LJUNGQVIST referred to the preliminary budget, of which 30% had been allocated to research. Unfortunately, the budget had not lived up to expectations and research had suffered. It was a normal experience that research was the first to be reduced when there were budget problems, as it had no influence on daily work, but WADA would lose the possibility of keeping up the race with those who developed new doping methods. WADA had been wise enough to decide on the research percentage, to which he hoped that the members could come back, and the committee had decided to concentrate on the most acute problems and urgent matters, to find methods for doping substances that were about to come on the market. There was no sociological approach on the list, but one was necessary. There was a need to know more about this, as very little was known about the sociological aspects and other risks that might affect a doped athlete. Fortunately, a doctoral thesis had been produced in his own country not that long ago, and it had shown that a number of violent crimes had been conducted by people under the influence of anabolic steroids. It was now routine for police in his country to ask about the use of steroids linked to crime. There were so many important aspects of research that needed to be conducted and were being conducted by others, but no research funding was available, to his knowledge, for projects for the identification of the misuse of substances in sport. This was where WADA came in but, unfortunately, it had been unable to distribute the necessary money. The interest was out there, but if WADA did not provide funding, and the researchers found out that WADA's funding was not fully reliable, they would lose interest. He had been happy to note that research was an important part of WADA's responsibilities, so perhaps he was arguing to people who were already convinced. He emphasised that WADA should not take the easy way out and let research go down, as there would be long-term damaging effects. WADA did have people out there who were still interested, so if the budget problems could be resolved, there would still be a chance. WADA should also change direction a little, with a system to invite people for open applications within the priority areas. WADA should have a budget in addition to the standard budget, in order to go out and ask for a particular project to be fulfilled. In addition to the standard budget, therefore, he would like the members to agree to allocate a certain amount of money for this type of research according to WADA's demands.

DR STRETTON noted that this was a very good and useful paper. All of the papers prepared for that day's discussion had helped the members think about the right issues.

Dr Rabin's case for why research had to be a priority was very convincing. WADA would not win in the long-term unless it undertook this research. In answering Mr Howman's question, in terms of priorities, and this would not come as a surprise to anybody, he would go for a cheaper option on ADAMS, reduce the amount of money spent on out-of-competition testing and put more money into research and education. It was important that, in a year or two, WADA publish the outcomes of the research in a very simple way. He knew that not every research project would be a winner, but WADA needed some clear-cut outcomes. While WADA needed to fund research, and a 20% figure here was as good as anything else, other roles could be done more effectively, one of which was the coordination role. WADA should not have overlaps, etc., and active coordination was essential. There was also the catalytic role, having some money available for when a problem came up. With regard to gene technology, he wondered whether, if WADA gave those people doing that research and determining the gene a little bit more money, they could actually think through and develop a test. WADA needed to think about these kinds of catalytic roles. WADA's profile would also go up significantly.

MR RIISKJAER fully agreed. Research in doping included social and behavioural sciences, and this should be highlighted. As for the idea that the results should be published, should WADA perhaps fund an international scientific journal?

THE CHAIRMAN said that, in terms of moving forward on this, WADA would need to prioritise some of these things. The members should perhaps ask themselves some questions. Was research just as important as testing? Otherwise it would be hard for WADA to make a decision, as there were six or seven different things to prioritise. The members should maybe start deciding what things were important and how important they were. Testing and research were the two big items. The first five-year plan had WADA spending something like US\$ 30 million over a five-year period and, as Mr Howman had said, WADA was at US\$ 2.5 million in the first two-and-a-half years, so they were way off the Strategic Plan.

MR LARFAOUI observed that WADA had already spent money on research, but had it received any results on the work done?

DR RABIN replied to the comments made. With regard to the publication of results, WADA was at the start of the phase in which it would start to receive results from the research teams. WADA was starting to see very interesting results for new tests, improvement of tests and detection of new substances. All of these things were falling into place now. The publication of results was requested in the research contract to all of the teams. Access to the research projects currently being funded by WADA was possible via the WADA website. A more active approach would be to disseminate this information.

In response to Mr Riiskjaer, it was necessary to have a critical mass of science and scientists behind a journal to be able to publish things. The members needed to bear in mind the organisation of world conferences to disseminate information and generate momentum, make WADA's work visible, and give scientists the opportunity to show their results. Financial and human resources were also necessary, and teams should be asked questions on anti-doping, as doping concerns needed to be integrated into the science community.

The research projects received thus far were of a very good quality, but they were mainly from the same people. WADA was asking very direct questions in the area of anti-doping, and there had to be answers to these questions. It was not true that the scientists were years behind the athletes in terms of scientific advances. Most of the products were developed by the pharmaceutical industry, which meant that they had been developed 10 to 12 years before coming on the market, so this was a great window

of opportunity. There were many things that WADA could do if it had the resources to "just do it".

MR LARFAOUI wondered if the use of credits available to research was justified by the finance department.

DR RABIN replied that there was a dual control mechanism: scientific approval, and then approval by the Executive Committee, then financial control on a double level (Dr Rabin followed by his colleagues in the Finance Department).

MR NIGGLI noted that there was also continuous control throughout the duration of the projects.

MR HOWMAN said that one very key project, the results of which Dr Rabin was coordinating, concerned Hgh, and there were several projects out there. Dr Rabin was organising a meeting of all those responsible in those research projects to come together and discuss their findings, so there was a coordination of the findings, which WADA hoped would lead to an analysis for Hgh very shortly. This was a major breakthrough, and Dr Rabin should be applauded for what he was doing in that coordination area.

THE CHAIRMAN congratulated Dr Rabin on his work.

INDEPENDENT OBSERVER PROGRAMME

MR WADE noted the need to look at the Independent Observer Programme and highlight the fundamental objectives, which were to strengthen confidence among athletes, the sports community and the public; to promote independence and transparency in the doping control process; to promote equitable treatment of all athletes; and to help improve current anti-doping measures. The Independent Observer Programme acted as the eyes and ears of the world for the sports community, and athlete, sport and public confidence. Its primary roles were to observe all or some aspects of the doping control operations prior to and during the assigned games or sporting event, and sometimes to follow up; and to prepare an independent, public report on the doping control activities. All of the roles had to be carried out in a neutral and unbiased manner. The observation phases included everything from athlete selection to appeal procedures, in other words, the full range of activities.

Major events attended included the Sydney 2000 Olympic Summer Games; the Salt Lake City 2002 Olympic Winter Games; the Salt Lake City Paralympic Winter Games; the Commonwealth Games from 25 July to 4 August 2002 in Manchester; the World Men's Basketball Championships from 29 August to 8 September 2002 in Indianapolis; the World Women's Basketball Championships from 14 to 25 September 2002 in China; and the FIS Nordic World Ski Championships from 18 February to 1 March 2003 in Val di Fiemme. All of these reports had been made public and were available on the WADA website. The Independent Observer Programme had also covered the Tour de France 2003.

With the World Anti-Doping Programme in January 2004 would come new WADA responsibilities to look at. Under the World Anti-Doping Code, WADA was to conduct effective programmes; the signatories were required to authorise and facilitate the Independent Observer Programme, in other words, to support the programme; and, if authorised to conduct the programme, was WADA required to do it or did it have a choice? WADA also needed to look at how the Independent Observer Programme was affected by the Code. Did reporting link to Code monitoring and compliance? How did the Independent Observer Programme fit in with the monitoring and compliance? Would the scope of activities be affected, for example, with the WADA laboratory accreditation? Was there a conflict of interest or, on the other hand, could accreditation activities satisfy Independent Observer objectives? Likewise, with the development of the Clearinghouse, WADA would receive doping control forms and information, as well as test results. Would this satisfy the Independent Observer objectives?

Regarding the issue of independence, did the role described in the World Anti-Doping Code affect independence, or were they an independent organisation anyway? Was there a conflict of interest as the keeper of the Code? If some of the answers to these questions were "yes", then could or should the Independent Observer Programme be operated independently from WADA? Specific issues to consider included the following: If WADA continued, which events should WADA be involved in? Who should pay when WADA was involved in these events? What should the size of the team be? The scope of the activities would need to be discussed. This was a very quick summary of the critical issues within the Code that might have a direct impact on this very important programme, which had been very well received by the sport community.

THE CHAIRMAN asked whether anybody had any comments, questions or observations.

MR DEVILLERS felt that, in answer the last question on cost, this was something that could be cost recovery where possible; he realised that there would be certain games that might not have the same ability to contribute, but some games were quite solvent. The programme certainly provided confidence in the public mind that testing was being done properly, and was a very worthwhile problem; it should be continued, but on a cost recovery basis.

PROFESSOR LJUNGQVIST said that, with regard to the Independent Observer Programme, an agreement had been reached between WADA and the international organisations concerned to have an Independent Observer team in place. On one occasion not so long ago, he understood that an organisation had said "no, thank you", which had resulted in no Independent Observer programme. This was a little strange and sent out a strange message to the world. Would it not be more normal to say that WADA should decide where to go? He suggested that this be looked at as a possibility, as a WADA decision to go would have to be authorised under the Code. Then WADA could easily manage a budget.

Secondly, he wished to speak about the accredited laboratories and the conflict of interest. He had often argued for an independent review of the laboratory programmes. This would reduce the risk of other scientists saying that procedures were scientifically incorrect. WADA should look and see to what extent such independent review could be used. In the IOC era, laboratories had more or less accredited themselves and their friends, and such behaviour should be avoided. An independent review of the system would look good and would certainly reduce the risk of criticism from other scientists from outside.

DR STRETTON thought that the Independent Observer Programme was an integral part of WADA's monitoring process. WADA needed to be much more selective, and the Executive Committee should agree one, two or three years in advance which events it would attend. Certainly, any other event that wished WADA to attend should pay. The size of the team and the methodology were very important. He had heard concerns expressed that WADA teams were often too large and that expectations of event organisers were unrealistic. WADA did not want any of that sort of talk going round, and the fact that people were saying it openly was of concern. He knew, however, that there would always be people who criticised. WADA needed to decide on the best methodology and how to minimise the number of people on the teams.

THE CHAIRMAN said that it had occurred to him that the risk was that, if WADA initiated Independent Observer missions, the event organisers would say that WADA should pay. Should an Independent Observer function be like a seal of approval or good housekeeping? This was an issue that WADA should deal with, as Independent Observers could not go to every event. WADA was simply not big enough to be able to do that. In terms of the laboratories, it was clear that, from the perspective of the committee involved, the only factors taken into account would be scientific. WADA might not, for example, wish to accredit a laboratory in a country that had not paid its contribution. Were the members perhaps asking themselves too many questions

regarding WADA's independence? As for how the Independent Observer Programme fitted in with monitoring and compliance, it seemed to him that this was simply a variation on the same theme. With regard to laboratory accreditation, he was not sure that he had understood the question concerning the satisfaction of Independent Observer objectives.

MR WADE replied that part of the WADA accreditation activities around laboratories was an auditing type of process and whether a function like that occurred during the Olympic Games in part or in whole: did that satisfy the objectives that an Independent Observer team would have in terms of observing the activities of the laboratory functions during the games?

THE CHAIRMAN thought that Mr Wade had been talking about whether, because WADA had accredited a laboratory, it was in a position to observe and report on its performance. He would not have seen a problem with that. He did not see a conflict there, but maybe there was one. What did WADA mean when it used the word *independence*?

MR HOWMAN said that WADA needed to see how independent it was and who it had on these teams to make sure that it was not just navel gazing or setting up groups of people that it liked and adored deeply in the world of anti-doping to go out and do things and report back like the good old days. WADA had to make sure that the integrity of those involved in the team was such that they would not be faced with that criticism. This was a wordy question to ask, but the members needed to ask it rather than just assuming it.

THE CHAIRMAN recalled that WADA's experience, with respect to the Independent Observer teams that it had sent, was that they really were independent. They did not ask for Executive Committee approval to send out their reports. That seemed to him a real sign of independence, and of some distance from the organisation itself.

MR BARNES asked whether it would be practical for Independent Observers to observe randomly at particular events, in other words, to show up without giving advance notice, having made certain that the event planners were prepared but unsure whether an Independent Observer team would come or not. Full cooperation and preparation for an Independent Observer visit could be a mandate for compliance with the Code.

THE CHAIRMAN said that this was something that could be thought about.

MR REEDIE pointed out the practical arrangements of accommodation and accreditation. It was quite a long way down that road, but had never considered saying that a team was on its way and then not turned up.

THE CHAIRMAN said that the size of the teams depended on the size of the event. As for expertise, there might not be too much trouble with the chain of custody and more difficulties with results management, or the opposite might be the case, and that was a question of knowing the event and the people who were organising it. He did not think that WADA had too many people on the Independent Observer teams. WADA was really cautious about getting volunteers to assist. Dr Garnier had been involved in the Mediterranean Games, which had been a new and very difficult experience for the WADA Independent Observer team that had attended.

DR GARNIER observed that the Mediterranean Games was the only Independent Observer mission at which some organisational problems had occurred, but the IOC had stepped in and helped to resolve the problems.

If WADA considered that the Independent Observer Programme was part of WADA's responsibility, did WADA wish to leave the Independent Observer role as being a purely passive one, or could it be moved towards an "inspector" role, with the possibility of making immediate corrective actions upon noting a dysfunction? Should the

Independent Observers leave cases of non-compliance with the Code to continue for two weeks, or could they intervene immediately?

MR LARFAOUI had been to the Mediterranean Games, and noted that the problem had not been because of the organisers in the country, but the Mediterranean Games organising body. He agreed with Dr Garnier about the Independent Observers: the Independent Observer was an advisor who guided and corrected. But the human reaction was that a monitor was badly viewed, whilst an advisor could be useful. If an Independent Observer was to advise, the title was important. The body responsible for such taking measures for doping control should receive WADA's cooperation and advice.

MR KASPER supported Mr Larfaoui's view. He warned that Independent Observers should not become policemen, as the independence would not be there.

The image and reputation of an Independent Observer group was important. In the case he was thinking of, there had been an excellent group that had done a very good job, but all of them had worn dark uniforms and dark hats, and had been compared to SS Nazis, marching up and down the stadium in front of television cameras. This was not ideal for WADA's reputation.

PROFESSOR LJUNGOVIST referred to Dr Garnier's comments. He agreed with Messrs Larfaoui and Kasper. WADA needed to be careful and not give advice or make requests for changes to be made at events. The Independent Observers should remain Independent Observers and make reports after the event which would be evaluated. At the Olympic Games in Salt Lake City, he had been asked to respond to comments regarding the Independent Observers. WADA should be careful about taking on a role as part of the operation.

THE CHAIRMAN said that, if something was clearly wrong on day 1, there was nothing to prevent the Independent Observer from making an interim observation that might still be corrected, but he agreed with Professor Ljungqvist's point.

DR STRETTON referred to Mr Larfaoui's comments about the possible need for advisors at some events. This might be a way forward in certain cases. He awaited an answer to the question on the size of the teams.

MR HOWMAN said that each event needed to be analysed in terms of how much needed to be observed. As for criticism regarding the size of the Independent Observer team at the Olympic Games, he would refute that. WADA was looking at Athens and trying to keep numbers down. Only three Independent Observers had been sent to the Tour de France.

EDUCATION

MR WADE made a presentation on the education programme and WADA's role regarding the World Anti-Doping Code. The current Strategic Plan aimed *to develop anti-doping education and prevention programmes at the international level aimed at promoting the practice of doping-free sport according to ethical principles*. One area in the Code dealt with the preservation of the spirit of sport and influencing behaviours among the participants. The other concerned the provision of updated and accurate information on some critical issues in the doping control process, including the Prohibited List, health consequences, doping control procedures as well as athletes' rights and responsibilities, so that they could understand and participate in the process. The coordination and cooperation of governments and athlete support personnel to inform the athletes was also a must. With the other stakeholders, it was necessary to look at various joint efforts, general awareness, Code awareness, cost efficiency in conferences and meetings, and language and cultural issues. With regard to the education programmes, the Code was not mandatory, but it was essential in terms of a comprehensive approach. WADA was a world leader and expectations were out there, especially regarding understanding, implanting and complying with the Code. As for the

future, WADA needed to create an environment where it had a new generation of doping-free, ethical athletes who competed in a manner consistent with the best traditions of sport. It really was necessary to start working with younger athletes.

MR RIISKJAER thought that education was very important, and it was just as important as control, but WADA should consider very carefully its role in relation to other agents in the field. WADA could have education at a general level, whereas NADOs and IFs could have specific education. WADA should be conscious of this.

MR REEDIE thought that WADA was not addressing a potentially enormous resource that one of its partners had. With regard to the NADOs and IFs, his memory was that education was relatively far down the order of IF priorities. A degree of statistics was necessary, knowing how many IFs were doing what they should be doing, and how many NADOs existed and whether they were efficient. If there was no NADO in the country the NOC had to fulfil that role. The 202 NOCs around the world should be able to be engaged in allowing WADA to use their network to provide base educational information. This could be done in a relatively small number of languages. Olympic Solidarity could possibly help to fund part of this. He thought that the governments would find it difficult to establish NADOs, whereas the NOC network should be much easier to deal with, and that would get the message out there.

MR DEVILLERS noted the prevention component. Money spent in the front end was also money well spent with the partners in the sports system, but WADA should look at it as an athlete service, to provide the athletes with the assistance to avoid getting into the predicament of doping. This was the opportunity to put some of WADA's precious resources on the front end as a service to athletes.

PROFESSOR LJUNGQVIST did not want to reinvent the wheel. There were education programmes around. He knew of a joint youth awareness programme between the European League of Swimming and his own university college of physical education of sport. What would the role of WADA be? To develop its own programme? It was vital to know what was in existence and what was being done. He knew that the particular programme to which he had referred was being partially funded by the IAAF would be translated into Spanish and Arabic, among other languages. WADA should promote and distribute good programmes that were already out there.

MR WADE thanked the members for their comments. WADA would not recreate or reinvent the wheel. Clearly, WADA needed to work with all the partners at all levels. There was a need to develop some core simple information, and he thought that combined resources would be very effective, but this would be discussed further the following day.

THE CHAIRMAN said that the idea of an NOC network was interesting, but he did not know how feasible it would be. His recollection was that it had not been possible to get the NOCs to answer letters that would give them money from Olympic Solidarity. Clearly, prevention was the goal in the future, not catching cheats. Ideally, 100% of the athletes competing would be doing so fairly, and this could be done through prevention. WADA still needed a system of policing, courts and sanctions in place, but hoped that these would be a limited number. He had thought that one of the key areas that needed special attention in education concerned athlete support personnel. The heavy substances all required complicit parties: doctors, coaches, etc., who abused the trust placed in them by young people and by society in general. These people needed to understand that doping was wrong. Coaches got paid on the basis of results, and if they did not get results they might be willing to start cutting corners. He did not want to have to tell his grandchildren not to go into sport, as in order to be any good, they would need to become a chemical stockpile. The education programme was not mandatory; it was one concession that had had to be made, as a number of countries could not take on the obligation as they had no resources. It was far more important to some governments to be able to feed people than to have educational programmes in sport. It was not

mandatory, therefore, but it was essential. Was there anything that Messrs Howman and Wade had been looking for that had not been addressed?

MR HOWMAN replied that he simply wanted corroboration of the concept that education was very high on WADA's list of priorities so that, if WADA reached a situation whereby some funds could be spent, these funds could go to research, testing or education, with the Independent Observer Programme being a subsidiary. What WADA had at the moment was a very tight budget based on what it thought it would receive, not on what it would like to receive.

THE CHAIRMAN noted that, nevertheless, if he were asked to vote or to describe a consensus on where this fitted vis-à-vis testing, he would have no sense. All of these things were important.

PROFESSOR LJUNGOVIST agreed that all things were important, but WADA should take the responsibility and say what was more important than what. Research was a priority area. Education and testing were being done out there. That was his basis for prioritising research. He admitted to his conflict of interest.

ACTION ON UNPAID CONTRIBUTIONS TO WADA

THE CHAIRMAN wished to discuss the financial response.

MR NIGGLI informed the members that, if WADA received 100% of its funding, it could probably do everything it had set out to do to a level that would satisfy all of the members. There was no need to repeat that funding remained a big challenge. WADA had received 62.9% of its income that year. The previous year, it had received 82% of its income, which represented a lack of more than US\$ 11-12 million from the budget. There was nothing in WADA's constitution to allow it to react against the non-payment of contributions. The only thing that it had in its Statutes was the provision under Article 6.6, which only foresaw a situation whereby one side (Olympic Movement or public authorities) did not pay its share of the contributions. The aim of the paper in the members' files (Annex) was for the members to think about what to do next. The paper contained eight different proposals about what could be done.

There were two very basic, but very important, questions to answer. Before WADA could take action for non-payment, these questions would need to be answered. The first question concerned timing. After which time did WADA consider that a body had not fulfilled its commitments? The Statutes contained a provision that stated that payment should be made by 31 December of the year previous to the exercise. WADA needed to think about whether there should be another deadline. Secondly, how should WADA deal with those regions that could not agree on their share splits? Should the Executive Committee look into division within a region where countries did not agree? The following day, the Executive Committee would need to make a recommendation to be submitted to the Foundation Board in November so that the constitution could be amended.

MR DEVILLERS answered the first question as to the issue of when a payment was due. At the previous Executive Committee meeting, a committee of governments had been formed, and this committee had met that morning to look at the feasibility of coming up with a different schedule of payment that was more in line with government financial years. There would be a report on what the governments were doing to try to deal with the situation the following day. In response to the second question regarding lack of agreement, this was a larger problem and there were instances of no agreement on payments, for example in the Americas. If the Executive Committee was going to say that country A, B or C was in default, it needed a firm basis upon which to make that determination. This also raised the question of the status of a country that had paid a full share pursuant to a partial agreement. All of these were issues that, in view of a lack of agreement and binding by-laws or rules and regulations within the organisation, would have to be worked out with the various countries at some point in time. Hopefully there

would be a mechanism in place when all of the parties became signatories. Part of what the committee would be looking at between then and the next meeting was the UNESCO formula, which was an existing way of dividing country contributions according to a generally accepted formula that might be applicable worldwide.

MR LARFAOUI thought that this was a thorny issue, but the measures that had been proposed regarding non-payment by governments were not those that should be introduced, as the representatives around the table had nothing to do with it. The Code had no coercive measures. WADA could perhaps deny the bodies that did not pay their shares information on WADA, participation in the Olympic Games and flags at the Olympic Games. As for preventing IF participation in an edition of the Olympic Games, there was no provision for such cases in the statutes of the IFs. He believed that WADA needed to adapt to the situation and have balanced budgets where income and expenditure were concerned. Some financial gymnastics were necessary, although not easy. There should be a provisional budget at the start of the year, and an additional budget mid-year, to readjust activities in accordance with the income up until that date. The measures proposed were too extreme. WADA would deny itself expertise if it prevented representatives from attending meetings because their governments were not paying.

MR RIISKJAER said that Europe was open to the consequences of non-payment. With regard to the proposal of redistribution of shares, WADA should sanction those that did not pay, not those that did pay, which was why he did not agree that countries that were currently paying should increase their shares to fulfil the full share of their continent.

MR TOKAI informed the members that the situation in Asia was different to that in the Americas. Many countries were not paying their share. In 2003, WADA had sent invoices to ten countries, and there were many countries that had not paid at all. The situation in Asia was also different to that in Europe and other areas, as there was no sports forum that could put together all of the sports-related people in the area. He proposed that WADA give an example of a percentage of contributions to those countries that were not paying their contributions. WADA should also avoid sanctioning countries that did not pay for the moment.

It was clear to THE CHAIRMAN that WADA should make sure that it honoured those countries that paid their shares. Nevertheless, if the members went back to the beginning, and he did not wish to sound like somebody who played only one note, in 1999, the governments had asked for two years to get their own contributions organised, and they had asked the Olympic Movement to carry the full freight for two years, which the Olympic Movement had done. As and from 1 January, 2002, the governments had been responsible amongst themselves to find a way to pay the 50% to which they had agreed. This had been a failure. Europe and Oceania were very well organised. Africa had allocated its shares; Asia and the Americas had not. It was very hard for the Olympic Movement to help governments deal with governments. His impression was that, by and large, the Latin American countries took this as a joke. The only way that WADA and the Olympic Movement could think of it was not by punishing athletes, but the governments themselves, which were not unaware of WADA, had no excuse, and they had to find a way to enforce that agreement. He did not think that WADA could wait until 2006 and a UNESCO convention.

Within the sports movement, it could be made clear to the governments and to the world that the governments concerned were not paying their share and, in consequence, there would be no government officials accredited at Olympic Games; the countries' respective flags would not be used at opening ceremonies or at medal presentations, and then it could be left to the politicians involved to explain to their countries why their athletes were not marching behind the flag, and so forth. He did not agree that governments should be absolved from their payment and not pay some price for this. He appreciated the difficulties, but this was too important, and it had been a fundamental understanding when WADA had been formed. Could the governments that had paid their shares not go to their fellow governments and say something? He was concerned about

the idea of reducing the budgets as it was a downward cycle. Each time that WADA did not collect the money it did less, which meant that the fight against doping in sport was reduced, and WADA and its stakeholders looked inept whilst the athletes suffered. WADA needed help from the members. The governments had to find some way to make this happen.

MR DEVILLERS noted that, with regard to the Americas, there had been three meetings, with good representation, and all the arguments that the Chairman had made had been made. In the minds of Central and South America, there was an agreement to pay under the OAS formula the following year with the 10% minimum that they had pledged to pay for 2003. This did not deal with the fact that nothing had been paid by most of the countries the previous year and 90% was missing for 2003. All of the parties in the Americas had given complete agreement regarding the OAS formula. If the OAS formula was not acceptable, then the UNESCO formula would be looked at. On behalf of the Canadian Government, he made it very clear that Canada had paid more than a fair share of the operation the previous year and that year. He did not see anything that obligated a country to pay for the entire continent if nobody else paid. Every effort was being made to try to secure the payments in the Americas. He understood that two of the representatives for the Americas on the Foundation Board would bring forward a motion to change the continental allocation from 29% for the Americas to 20%, which of course would cause all kinds of ripple effects. He could assure the Executive Committee that the governments had spared no effort. There had been one meeting in Brazil, and two in Santo Domingo to try to make the point, to the point where the other representatives in the Americas saw him as WADA's whipping boy and not the representative of the Americas on the Executive Committee.

PROFESSOR HENDRICKS thought that the situation in Africa was somewhat similar from South Africa's point of view. South Africa had also tried to play the advocacy role in encouraging countries through correspondence, and also an appeal made by his minister at the previous Council of Ministers Meeting of the Supreme Council for countries to pay their contributions. Only a few countries had been paying. In terms of instituting sanctions, he thought that South Africa would rather play a proactive advocacy role to get to know and appreciate more about the organisation. He knew that Africa's share was not a substantial one, but an approach was being made to assess which countries in Africa would be able to make payments. He was a little concerned about the sanctions involving the banning of the flying of flags, etc., as these appeared to be counter-productive to getting countries in Africa to participate and develop sports.

THE CHAIRMAN did not want Professor Hendricks to think that he did not appreciate the difficulties faced in Africa, but he did not want the governments' problem to become WADA's problem. If a minister travelled to the Olympic Games in Athens with three aides, that was 300 times more than the contribution required from that country, so he had to say that, if a minister could find his or her way to Athens, then a way could be found to paying the US\$ 800 contribution. Yes, it was educational, but a quicker education might be to watch the Olympic Games in Athens on television.

MR TOKAI observed that, in the case of Asia, in May 2003 there had been a proposal to share the contributions among 27 countries, but it had been difficult to obtain agreement. In September 2004, Japan intended to expand country involvement. The Asian region encompassed countries such as Taiwan, which was not a country but a region, so there was a political aspect too, and it was necessary to bear in mind the political implications when talking about sanctions.

THE CHAIRMAN said that he appreciated Japan's difficulties, and would be happy to help, but WADA's duty was to collect all of the money that had been promised. The issue was how to do this.

MR BARNES said that refusing to fly the country's flag at events or to play the national anthem was counterproductive, and would work against the athletes. This meeting was about planning to do more with less. As a general idea, if WADA were to

maintain the current levels of funding that was coming in from governments with the matching dollars from the IOC, and reduce the payments of those that were unable to pay or allow them to pay some sort of nominal fee, at least they would be engaged and begin to understand about the activities of payment. In this way, WADA would start off on better terms with them. Once they were engaged, WADA could attempt to increase their payment levels over time. WADA was currently functioning well; the meeting was going to help it to function better. Surely WADA should be realistic about the countries that were not paying, and the best way would be to work with them cooperatively.

MR DEVILLERS said that it would be of assistance if the WADA staff were able to help the governments make the argument with the value for money argument. He knew that it became a Catch 22: no payment, no service, no payment. If, as partners, the governments were able to get that assistance in showing the value for money, it would be helpful. Also, with regard to the IOC policy of not paying until the dollars were matched, better results could often be obtained with the carrot that with the stick and, if the IOC paid first, it might encourage some countries to contribute their share. If WADA was going to rely on moral persuasion, then it would have to show the moral high road. The value of WADA needed to be shown to the countries concerned.

PROFESSOR LJUNGQVIST spoke about the IOC reference that had been made. The Chairman was not alone in his frustration with the situation. He confirmed the sports movement's frustration with the situation. He had the feeling, when listening to the explanations given by the government side, that WADA had arrived nowhere. This was the same story over and over again. A firm conclusion was needed in one way or another. The situation of uncertainty could not go on. WADA was functioning well in terms of good staff, but not in the eyes of the world of sport. The world of sport thought that, if the governments could not achieve their payments, then it would be better to say so.

THE CHAIRMAN informed the members that the current IOC President had adopted the former president's view, which was that the governments would never pay. He was sorry to say that the IOC President had so far been right.

MR DEVILLERS objected that the IOC President had not been entirely right.

THE CHAIRMAN agreed, but these were really small, insignificant sums of money for governments to pay.

MS ELWANI thought that the athletes were more on the Olympic Movement side, that any athlete would do anything to compete in events. The issue of the flag not being raised was really not important to the athletes. The athletes usually received more support from the IFs and the IOC, as the people working there usually worked voluntarily for sport, as opposed to the governments.

The athletes had placed their trust in WADA. They might suspect testing carried out by another agency, such as a NADO.

The IOC money was always there for the athletes, and the government money was not certain. She did not want to disappoint anybody, but the athletes trusted the Olympic Movement more than they did the governments.

Without wishing to go over old ground, MR REEDIE said that the amount of money involved was loose change on a bedside table. The governments had insisted that they be involved in this process, and time had been given to allow them to put their financial structures in place. Clearly, this process was much more difficult than the sports movement had believed, and he agreed with Professor Ljungqvist that WADA had listened, time after time after time, to claims of "I'm sorry, we can't do it". That actually made him believe that those countries that were serious about the fight against doping in sport could do it, and that the other countries did not really bother.

WADA had done quite a lot of initial work on producing a cash-flow statement to try to find out when people could pay, having been accused of being inexact and silly, and

he thought that, as an Executive Committee, they should pursue that and probably change their statutes to make them potentially realistic as opposed to the present situation, which just did not work at all. Secondly, WADA was at the stage where it needed to say to governments that it needed them to try, accepting all of the splendid expressions of goodwill, if there was a system in the organisation of the American states, to do something about it. He actually greatly admired the way in which Africa had gone about the process in the region, as there were actually practical difficulties in getting US\$ 800 out of a country. Asia did not have a comparable method, but it too was beginning to get its mind around a distribution system. The partners really should get it right, and WADA should tell the governments that this would not work properly unless, by the end of November, the governments got a system agreed amongst themselves. As an Executive Committee member from the sports side he thought that he was entitled to suggest that the governments work a little bit harder to get it right because, if they did, it would work. Somehow, a little bit more will and a little bit more leadership were necessary.

MR LARFAOUI asked about countries that had not signed the Code. Would they be able to deny payments?

THE CHAIRMAN replied that they could, but then they would stay at home rather than go to the Olympic Games in Athens.

MR LARFAOUI asked whether a country itself could be suspended. A method should be found to exert some pressure on countries that did not pay their share.

MR DEVILLERS reiterated that the Executive Committee was preaching to the converted that were sitting around the table. He resented the implication that the governments were not doing their level best. Every effort was being made, but there were some times when the horse could be led to water but could not be made to drink. He resented the implication that those government representatives seated around the table were not doing their level best. There were simply some horses that did not want to drink. The beast had to be put on the road, and then the details needed to be worked at. He would love it if somebody could give him the tools to enable him to walk into the Americas and demand payment, but these did not exist.

THE CHAIRMAN said that such tools would have to be invented.

6. Agreement on WADA's Key Activities

THE CHAIRMAN said that the aim of this item was to see if any general agreement on areas of WADA activity had been reached. He thanked all of the staff members for putting together such good meeting material, which had been of huge assistance in considering and identifying the issues that needed to be considered.

He did not know how much the Executive Committee could agree on, but he hoped that the members had agreement on the values identified in the paper presented by Dr Stretton; the Executive Committee agreed that WADA should be operating on a five-year rolling plan, but that the document that set out that plan could be a much simpler document than the Strategic Plan, which WADA had been using up until then; and that the SPEG, as a kind of steering committee on the process, was probably a useful exercise.

With regard to priorities, it seemed to him that the members recognised that WADA could not be everything to everyone, so it should concentrate on those niches where it could make a difference and do the job properly, and at the same time use every effort to help organisations to improve on their own process and delivery.

Where the laboratories were concerned, he thought that it had been agreed that it was not necessary to have an accredited laboratory to have an effective anti-doping programme but, at the same time, it would be in everybody's interest to make sure that there were a number of laboratories in various regions throughout the world..

As for testing, his sense was that WADA had agreed to limit testing to out-of-competition testing for the time being; that WADA tests should be regarded as incremental to what was already in place and what should be in place; and that testing, when required, should be targeted and WADA should work to encourage increased levels of testing on national levels and under the aegis of the IFs.

With regard to the ADAMS project, the Executive Committee appeared to have agreed to wait for a report and be ready to decide in November but, if there was a tendency, it would be to be at the low end of what was required. Having said that, the Executive Committee needed to see the business plan and the priorities proposed in order to make a meaningful decision.

Where research was concerned, he thought that WADA regarded it as at least equally important to testing; that the research should not be limited to technical and scientific but should extend to the social and behavioural aspects of doping as well as the research into new methods and tests, and so forth; that WADA should be willing to assume a greater role in coordinating the testing in areas of interest to WADA; that WADA try and see to what degree it could get additional sources of funding for research for existing or other programmes occurring under governmental and other bodies; and that, within WADA's own programme of research, it should reserve a fund that could be deployed in areas in which WADA had an interest, rather than looking around and picking from programmes already in existence.

As far as the Independent Observers were concerned, he thought that there was a feeling that WADA should decide as to whether or not to undertake an activity; that WADA continue to take all possible steps to maximise the efficiency of all of the Independent Observer teams and operations; that it be a condition of Independent Observer missions not to have black uniforms and not to march in step; and that the Independent Observer missions should be integral parts of the monitoring process that WADA undertook.

With regard to education, it was agreed that WADA should not reinvent the wheel where good and effective programmes existed, and would consider using whatever networks there were within the Olympic Movement; and that a particular goal of the education programmes should be the athlete support personnel.

As for payment, the Olympic Movement side gratefully accepted the governments' undertaking to have a 100% solution by November 2003. All possible means needed to be undertaken to persuade all of the governments that the fight against doping in sport was something in which they had an interest. WADA was willing to help if there was any assistance that the Olympic Movement could provide to governments in their discussions with other governments, but a solution was essential.

That was his sense of the areas in which the Executive Committee had agreement and, if so, this would be a direction in which the Executive Committee would generally instruct the management to try and prepare the business plans.

PROFESSOR LJUNGQVIST referred to the previous recommendation to focus on the improvement of detection methods and the development of new detection methods for future substances. If this was broadened to social aspects among others, it would require the necessary budget.

THE CHAIRMAN said that the programmes that were presented for decision should take into account the social and behavioural aspects, but he was not purporting to prioritise those at that moment. In the long run, the solution was going to be behavioural.

MR LARFAOUI noted that research projects had been discussed. Coordination was necessary in order to avoid duplication of activities.

Those groups or organisations requesting Independent Observers should pay for Independent Observer work.

THE CHAIRMAN replied that that might well be WADA's view, but it should not be published, as then nobody would ask WADA, which would then be forced to intervene and send Independent Observers at its cost.

MR BARNES still had no clear understanding as to where the group stood regarding the timing of the payments from governments; the amount of the overall WADA budget, whether that would be increasing over the coming five years; and also regarding sanctions that would affect athletes, directly or indirectly.

THE CHAIRMAN replied that, as to the timing, WADA would wait for what the governments had to say the following day. To him, it did not matter if WADA had 100% of its budget in the bank on 31 December of that year. It was important to know that there would be a cash flow that could be matched.

Regarding the overall budget, WADA had a rolling five-year plan. He guessed that the budget would increase gradually over time. He hoped that, once the stakeholders had demonstrated their commitment to WADA, it would be possible to go out to the private sector and raise extra funds.

As for the issue of sanctions, if WADA could not persuade, then it would need to threaten. The Americas had agreed to fund 29% of the budget; how this had been decided on he did not know, and he did not really care, but 29% had to come from the Americas. How the problem would be solved he did not know, but something had to happen to make the partners pay. As for the athletes, he had discussed with President Rogge the idea of exclusion, but this could not be done, however there were things that could be done which the President was willing to do, using the hammer of the Olympic Games.

MR DEVILLERS said that this had been explained fully to his colleagues in the Americas, but with zero effect to date.

THE CHAIRMAN said that this was because the Americas did not think that the IOC President would do it, but he would.

MR BARNES noted that that it was the position of the USA that the WADA budget remain unchanged until the question of the budget was resolved.

THE CHAIRMAN thought that that was a sensible point.

MR REEDIE said that, in terms of priorities, what would be explained to the members the following day regarding finance rather assumed that Code implementation and all that it meant had the priority. He threw that information in so that people could think about it overnight.

DR STRETTON asked whether this discussion on the allocation of funds should be held the following day. That would be better.

Did Mr Howman remember the paper on what the Code meant for everybody? Was there anything that had not been covered? The monitoring side still worried him, as the whole question of the extent to which the various stakeholders complied with the Code was not something that had yet been discussed. He agreed that it was probably not the highest priority at that stage, but it was an issue with which WADA would have to come to grips over the next couple of years.

MR HOWMAN noted that the compliance and monitoring of compliance could not start until WADA had implementation. The monitoring programme of compliance would take place once the rules were in place and programmes were being conducted pursuant to those rules. If he looked at the other mandatory tasks that WADA had under the Code, the international standards had been closed off already, and WADA had started the models of best practice. The only other issue was whether there was any clash or conflict between doing testing and being the watchdog. The Executive Committee had skirted the issue until then. As sure as eggs, WADA would confront the issue, so the members needed to bear in mind what WADA would have to do when the conflict arose.

The only thing that had not been discussed was the use of the CAS, and WADA's Legal Department had commenced discussions with the CAS so that it would be ready to look after all of the cases that might come before it.

DR STRETTON said that he had obviously missed something, but with the monitoring of IFs, for example, how was WADA going to monitor whether each of those IFs were complying? Secondly, were the NADOs governments? In Australia and New Zealand, the NADOs were government bodies. When did these have to comply with the Code? By the time of the Athens or Turin Olympic Games?

THE CHAIRMAN replied that they had to be in compliance by the time of the Olympic Games in Athens.

DR STRETTON said that this was what he had assumed. That meant that, by August next year, compliance of the whole range of NADOs would have to be considered.

MR HOWMAN pointed out that implementation was different to compliance. Once the Code was implemented, the rules would be complied with. The monitoring programme commenced two years after implementation.

DR STRETTON asked whether this would be in 2006.

MR HOWMAN replied that this was possible. Then, with regard to the NADOs, this would vary according to where the NADOs were, but where they fitted and how they had to comply was probably a question for Mr Andersen to answer.

DR STRETTON said that, given that all would be signatories to the Code, he was assuming that all of the NADOs would have to comply by the time of the Olympic Games in Athens.

THE CHAIRMAN advised against digging up a snake just to kill it.

MR HOWMAN said that this would be discussed later.

THE CHAIRMAN thought that WADA's monitoring could be proactive as well as waiting for reports every two years, but that was a minimum thing. He thought that WADA might very well be approaching governments for assistance with regard to monitoring.

DR STRETTON said that, twice a year, ASDA and the Australian Sports Commission assessed how and whether each of the government-funded national sports organisations met the Sports Commission's standards. It was a fairly intensive process that his colleagues sat down twice a year to do. There was a whole range of ways in which there was some sort of technical non-compliance. At one stage, it had been black and white. WADA needed to pull back from that and work through a range of responses that might end up at one end of the spectrum and being sanctions. If those at WADA needed to apply something like that to the world, then it would be a big task. Sports, IFs, NADOs, everybody would be knocking at the door asking what to do to show WADA that they were complying. Some sort of seminar or workshop might be worth considering so that WADA could learn from others' experience.

MR ANDERSEN provided clarification on the NADOs. Article 23.3.1 stated that the signatories, that included the NADOs, would accept and implement the Code on or before the first day of the Olympic Games in Athens, but if the NADOs relied on national legislation, then this shifted to governments, which complicated things.

DR STRETTON observed that there were indeed a lot of snakes down there.

THE CHAIRMAN asked whether the members were in agreement on the things that he had identified as generally agreed upon and noted that this was the case.

7. Discussion on WADA's Vision, Mission and Key Objectives

THE CHAIRMAN had the sense that the members were reasonably comfortable with the vision, mission and key objectives of WADA. If there was anything that anybody

would like to raise as to whether or not what had been discussed that day changed the vision, mission and key objectives, that could be discussed under this item.

DR STRETTON agreed with the Chairman. He had added the term *monitoring* to the mission of WADA as he had felt that monitoring was so important that it should be in there. He thought that the number of goals might be reduced, but this could be worked on.

8. Next Steps

MR WADE discussed the next steps concerning WADA strategic planning. The SPEG would oversee the process, and would recommend to the WADA Management Team. The WADA Management Team would in turn recommend to the WADA Foundation Board. The key activities that needed to be done (and had been done in part) were to review and summarise the agreed activities; revise the mission, vision and key goals as required; and, more importantly, revise the Strategic Plan (both in terms of format and content). The key steps of the action plan involved the following: a summary/document of the workshop conclusions by the WADA Management (SPEG) by 29 September; a decision on the Strategic Plan format by the SPEG by 3 October; a draft of the revised Strategic Plan by the WADA staff (and the SPEG) by 17 October; a review/revision of the draft as necessary by the WADA Management Team (with the SPEG) by 31 October; a final draft by the WADA Management by 7 November, to be circulated to the WADA Foundation Board by the WADA staff by 10 November, and to be reviewed and endorsed by the Foundation Board by 21 November.

THE CHAIRMAN asked whether the timetable seemed reasonable.

MR WADE added that this was a lot of work, and he would come to the Foundation Board in November with the Strategic Plan for sure. The number one priority was to get the Strategic Plan simplified, and if the other things could be done then they would be.

DECISION

A simplified version of the Strategic Plan to be presented to the Foundation Board in November 2003, together with a summary of the workshop discussions and decisions.

9. Concluding Remarks

THE CHAIRMAN said that this was the kind of meeting that WADA should have on a regular basis, and he hoped that this would be possible. He appreciated that it added another day to the trip, but it had been very worthwhile, and he thanked the Mr Howman and the staff for putting together such great background materials, which had enabled the members to work very efficiently.

The meeting adjourned at 4.30 p.m.

FOR APPROVAL

MR RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF WADA