

**Minutes of the Meeting of the Foundation Board of the
World Anti-Doping Agency, 22nd March 2000, Olympic House, Lausanne**

The meeting opened at 9.00 a.m.

1. Welcome

THE CHAIRMAN welcomed the participants of the second meeting of the World Anti-Doping Agency (WADA) Foundation Board, especially those who were attending their first meeting, including Ms Di Centa and those national government representatives who would be formally added to the Board in a few moments. A great deal had been accomplished since January but there was still much to be achieved. They had to work efficiently but they should also bear in mind that not all of WADA's objectives would be achieved at the current meeting and that it would take time for what were ambitious goals to be realized. As the saying went, the only way to eat an elephant was one bite at a time.

2. Roll call

THE CHAIRMAN asked the participants to sign the roll call sheet that would be circulated. He asked those members who were attending their first meeting also to provide their e-mail address so that they could be contacted as efficiently as possible.

3. Minutes of meeting of the Foundation Board, 13th January 2000

THE CHAIRMAN proposed that the minutes, which had been circulated prior to the meeting, be approved unless anyone wished to draw the Board's attention to any errors or omissions. He proposed that the minutes be made public and posted on the Internet forthwith. The minutes of the current meeting would be prepared within around two weeks of the meeting and subsequently distributed to members. If they waited until they were approved at the next meeting of the Board, that would take a fair amount of time. On the other hand, they did not want to circulate the minutes before they had been approved. He suggested that they should give members two weeks once the minutes had been distributed to submit their comments or corrections, after which any changes would be agreed upon as necessary and the minutes could be made public, on the understanding that the minutes would formally be approved only at the next meeting. The alternative was to wait until the next meeting before making the minutes public. The issue was how current they wished the information contained in the minutes to be when made public.

DECISIONS

1. Minutes of the last meeting approved and duly signed.
2. Minutes of the last meeting to be posted on the Internet.
3. Minutes of the current meeting to be circulated to members for comments. Any changes to be made and minutes to be posted on the Internet before their formal approval at the next WADA Foundation Board meeting.

4. Report on the Montreal Meeting of Governments of 16th to 18th February 2000

5. Appointment of new Foundation Board members

THE CHAIRMAN noted that the Montreal Declaration (Annex 1) that had been issued at the end of the meeting of the International Intergovernmental Consultative Group on Anti-Doping in Sport (the IICGADS) was included in the meeting file. He asked Mr Coderre, as co-chair and host of the meeting to report on it.

MR CODERRE said that the challenge of resolving the problem of governmental representation had been issued on 13th January 2000. In three weeks, more than 32 countries had shown their interest, representing not only a cause but their region and continent. The most important decision taken had been to identify a mechanism for representation of governments on the WADA Foundation Board. Today, those representatives who had agreed to sit on the WADA Board and had been accepted as members were thus present. Since the Sydney conference, there had been a political unity of purpose by all the countries involved to take part in the fight against doping. They had also taken the opportunity to reaffirm WADA's independence, transparency and imputability and wished to lay the emphasis on the letter 'W' (World) in WADA. A series of recommendations had been issued, notably regarding the WADA Executive Committee, which they would like to see composed of 11 members, five from the Olympic Movement and five government representatives with the Chairman of the Board also as its chairman. As far as the government representatives were concerned, the Americas would be represented by Canada, Africa by the Supreme Council for Sport in Africa (SCSA) in the person of its current chairman, Mr Balfour, Asia by Japan, and Oceania by Australia, while Europe would propose their representative in due course. The other important element was that they should go much further in terms of defining their own responsibilities within WADA and define an intervention framework for WADA, to ensure that there was harmonization between countries and that legal decisions concerning the Agency could be applied. They believed that it would be useful and necessary for the Consultative Group to meet again which was why they had accepted Norway's offer to host a meeting in November 2000 after the Olympic Games to assess the situation and continue their work bearing in mind the principles they wished to emphasize. It was essential, they believed, to consider the issue of doping in professional sport and he asked the Chairman to give consideration to the recommendation on professional sport made by the governments in the declaration. There was a need, as Australia had suggested at the last meeting, to establish a code of ethics for WADA. However, they had to go even further and draw up an international charter which would belong to the Agency and would show the symbiosis which now existed between governments and the Olympic Movement.

The Montreal meeting had been a successful one which had shown once again the clear desire of the governments to play an active role in the fight against doping. Regardless of the size or of the countries involved, they were all committed to devoting themselves to their athletes and to the quality of life of their citizens. He thanked the government and WADA representatives who had participated in the meeting, thus demonstrating their commitment to the issue in question.

THE CHAIRMAN said that before discussing the Montreal Declaration they should consider item 5 on the agenda which was the appointment of new Foundation Board members, so that such members could participate in the discussion. He asked the two co-chairs to identify the members whom they wished to nominate and propose them to the Board.

MR CODERRE said that since Europe's representatives had already been appointed to the Board, they had only had to discuss the representation of America, Asia, Oceania and Africa. For America, the countries chosen would be Canada, the United States, Barbados and Chile; for Asia, Korea, Japan, China and India; for Oceania, New Zealand and Australia. For Africa, he proposed that there should be three instead of two representatives, taking the total number of representatives from 16 to 17. This would ensure that the continent was better represented. The three countries would be South Africa, Egypt and Nigeria. The continental representative on the Executive Committee would

12/4/00

be Canada for the Americas, Japan for Asia, Australia for Oceania and the SCSA. They would meet in 2001 at the end of the interim period to change the government representatives.

Given the need to identify individual persons as representatives, THE CHAIRMAN asked Mr Coderre to fill in the names of the representatives they were proposing. He hoped that at least until the end of the interim period they would have a team of representatives that would collaborate to get the Agency working. He hoped that they would not get a "revolving door" situation.

MR CODERRE understood the Chairman's concern and agreed that they should avoid a situation whereby governments were represented by proxy. However, there was a need for a certain degree of flexibility to allow ministers to be represented when they could not attend meetings: for example he would be leaving the meeting shortly at 11 a.m. after which he would be represented by his sub-minister. He read out the list of the names of the representatives proposed for election to the WADA Foundation Board (Annex 2).

THE CHAIRMAN asked whether Dr Vereen would be the Board member for the United States rather than General McCaffrey.

DR VEREEN replied that he would be the representative for that day's and the next meeting. The permanent member was General McCaffrey. The US government, given that it did not have a sports minister, was in the process of establishing legal provisions for its representation on the WADA Board. In the meantime he had temporary authority to sit on the Board.

MR CODERRE pointed out that the same situation applied to Barbados, as the Sports Minister Mr Greenidge would sit on the Board.

MS LINDEN said that Europe were satisfied with the results of the Montreal meeting and with the continental representation for the interim period. In the longer term however there was pressure from Europe to discuss the issue of representation again, especially the Montreal proposal that each continent should have one seat on the Executive Committee. Europe would like to be more strongly represented later but accepted the current arrangements for the interim period.

THE CHAIRMAN thanked Ms Linden for providing advance notice of this, but said that they would consider any such demands by Europe only when they were formally made. He asked members whether they were in favour of adding the list of members proposed for election.

PROF. LJUNGQVIST was somewhat confused as to whom the representatives were working for. He asked for clarification in particular of the identity of the United States and Barbados representatives.

THE CHAIRMAN said that, as he understood it, the official Board member for Barbados would be Mr Greenidge and the official Board member for the US was General McCaffrey. In the interim they would be represented by Drs Lorde and Vereen.

MR ITO said that he was representing Japan on a temporary basis and that the permanent representative had not yet been identified, but would be appointed as soon as possible, hopefully before the next meeting.

THE CHAIRMAN formally declared the newcomers as members of the WADA Foundation Board. He welcomed both the country and the personal commitment and counted on both as part of the successful undertaking of their work. He asked the new members to introduce themselves to the Board, starting with Mr Balfour.

MR BALFOUR was South Africa's Minister for Sport and Recreation. He had had considerable experience of sport and had been a sportsman himself, barred by apartheid from competing for South Africa. He had served in President Mandela's government and was currently a member of President Mbeki's government. South Africa also held the presidency of the SCSA for 54 African countries until the 2003 All Africa Games, when the presidency would be passed on to Nigeria. He was thus representing both the African continent and his country, South Africa.

MR CHUNG was very pleased to be representing the Korean Government at the meeting. He thanked the Chairman and the member countries for their support for the nomination of Korea as a new member of the WADA Foundation Board. He also thanked other countries for their past support of his country in sport. It was thanks to their support that Korea had successfully organized the Olympic Games in Seoul in 1988 and were currently preparing to host the 2002 football World Cup in collaboration with Japan, and the Asian Games in 2002. Through its organization of these events Korea had become an important power in the world of sport.

12/4/00

MR HOWMAN was a practising barrister and was at present Commissioner for the New Zealand Hillary Commission for Sport, Fitness and Leisure, which was the government agency for policy and funding sport. He was former disciplinary commissioner for New Zealand rugby, currently Chairman of New Zealand Tennis and was Counsel to the New Zealand Sports Drug Agency which was the government agency established by statute to test for sports drugs in New Zealand.

MR ITO represented Japan and had been dispatched by Japan's Ministry of Education. They were in the process of establishing an anti-doping agency and the first target was the Olympic Games in Sydney. He was accompanied by Dr Kono who was also taking part in this programme. Japan was in favour of WADA's anti-doping effort and looked forward to cooperating with the Agency in the future. He thanked the Board for inviting him.

MR KHANNA introduced himself as Permanent Secretary to the Indian Government's Ministry of Sports, Youth Affairs and Culture. In this capacity he was principal administrator for the government for administration of sport and youth affairs in the country. India had hosted two Asian Games: the first and subsequently the Games of 1992. India had considerable experience of hosting international sports events. They had bid for the 2006 Asian Games and were proposing to hold the Afro-Asian Games in India. They had built considerable infrastructure for holding international sports events. The Sports Authority of India also had a national drug control laboratory. They looked forward to working very closely with members of the WADA Board.

MR LI FURONG was representing the People's Republic of China. He was a former table tennis player, a sport in which he had been world champion. His current post was Vice Minister for Sport of the State Sport General Administration. He was also Vice-president of the Chinese Olympic Committee. The Chinese government and Sports Minister took a very firm stance on the anti-doping issue and were determined to fight against doping with their international colleagues.

DR LORDE was representing Mr Rudolph Greenidge, the Minister of Labour, Public Sector Reform and Sport in Barbados, who unfortunately could not attend the meeting. He was a member of the National Sports Council of Barbados and Director of the Barbados NOC. He was also Chairman of the Barbados Antidoping Commission and Vice-president of the Pan American Sports Medicine Federation. He had served as a member of the medical commissions of the Central American and Caribbean Games, the Pan American Games and the Commonwealth Games over the previous 10 to 15 years. He was involved in anti-doping efforts currently taking place in the Caribbean. They planned to get the Caribbean governments together in the fight against doping and they had been working on issuing a joint-Americas declaration against doping in sport. It was a pleasure to attend the WADA meeting and the Board could look forward to his support.

DR OBANDE was representing Mr Sango, Nigerian Sports Minister, who unfortunately could not attend that day's meeting because he had received the information about it very late. Mr Sango would certainly be delighted to become a member of the Board and he would give an account of himself at the next meeting. Nigeria was very active in sports. Its contribution to sport was well known and it was totally against doping in sport. Nigeria would do its best to help WADA achieve its aims.

DR RIUTORT had been Director General for Sport in Chile for the last four years. He had also been President of the IberoAmerican Council of Sport for the last four years, and was Chairman of the Presidential Council to establish a new sports law in Chile. He was representing South America on the WADA Board.

DR VEREEN was representing the White House and General McCaffrey, Director of the White House Office of National Drug-Control Policy. He was a psychiatrist by training from the US National Institute of Health. The decision to appoint him had been made to ensure that doping issues and other aspects of drug abuse had a health focus. At the core of their contribution to WADA was the issue of the health of the athlete.

MS DI CENTA was representing the IOC Athletes' Commission. She had participated in five Olympic Games and won seven medals. She was currently working for Italian state television as a presenter of a cultural and social programme.

THE CHAIRMAN asked the co-chairs of the Montreal meeting to clarify the identity of the three African members. It looked to him as if there might be four, not three members from Africa.

12/4/00

MR CODERRE pointed out that South Africa were represented as the country holding the presidency of the SCSA. Senegal and Morocco had also attended the Montreal meeting, but the SCSA had decided that the two other countries on the Board would be Egypt and Nigeria.

MR BALFOUR explained that the SCSA was a government body for sports in Africa. Dr Eleyae, as Secretary General of the SCSA, had been coming to meetings; and the SCSA, in agreement with him, had decided to appoint three countries. He was not clear what the Chairman was asking.

THE CHAIRMAN repeated that he would be able to count four people from Africa around the table if Mr Aboutablep from Egypt had been able to attend. There should be three not four African members. Whom these members should be was up to the Africans to decide.

MR BALFOUR said that they had already decided. The three members would be Messrs Aboutalep, Sango and Balfour.

On behalf of WADA, THE CHAIRMAN congratulated the government representation on the Montreal meeting which appeared to have been successful and productive. The only concern he wished to raise was the fact that a large number of leading sports countries, such as Russia, Bulgaria and the Czech Republic, had not been represented in these meetings to date. He was anxious that these countries should not feel that they had been excluded from, or not invited to, the meetings, since this could cause some unfortunate consequences. What plans did the group have in that direction?

MR CODERRE pointed out that all three countries mentioned by the Chairman were from Europe and as such it was a matter for the Europeans to decide on. As far as he was concerned, representing the Americas, the IICGADS had succeeded in helping them see things in a new light. They had agreed that the first priority was to have government representatives on the WADA Board to ensure that governments fully participated in the decision-making process. The Americas countries had already been working since the Pan American Games on setting up their own consultation process. He felt that the same applied to other continents. Several Asian countries had attended the Montreal meeting and would work in collaboration with the WADA member countries. Africa also did its fair share of the work and also gathered together through its SCSA. As for Europe, it had to determine once and for all what it defined as government representatives. He for example represented the people as Secretary of State for Amateur Sport. Europe would have to do its own homework on this.

MS VANSTONE simply wished to make it clear that Russia had been invited to Sydney and Montreal and had been unable or had not wished to come. The Russian minister had subsequently visited Australia and had been fully briefed. Governments had to work on the basis of who was interested, able to come and willing to participate and commit resources.

MS LINDEN pointed out that the problem as far as Europe was concerned related to Eastern Europe. During the discussions that took place with the IOC before WADA was founded, the idea had been that governments would be represented on the WADA Board through intergovernmental organizations. Europe had therefore started with the Council of Europe and the European Union. In the longer-term however they needed to decide how to include Eastern Europe on the WADA Board. There was a good case for Europe to have a fifth seat on the Board after the interim period. At the end of May, a meeting would take place in Bratislava to discuss this matter. There was concern about the fact that Europe currently had only four seats on the Board and only one on the Executive Committee, while other small continents had two seats on the Board and a further seat on the Executive Committee. The feeling was that Europe should have a further seat on the Board, but they were willing to accept the current situation during the interim period.

DR GARNIER reiterated that one of the founding principles governing the representation of WADA had been the concept of indirect representation, i.e. that a country would not represent itself but would rather represent a region, or representation through intergovernmental organizations, which was the option Europe had chosen by choosing its representatives from the European Union and the Council of Europe. Central and Eastern Europe were therefore in fact represented by himself, since he represented the Monitoring Group of the Council of Europe's Anti-Doping Convention to which they belonged. He was aware nevertheless of the need to reconsider the issue of representation of Eastern Europe which should be strengthened at Board level. The issue of the representation of Eastern European countries in WADA would be high up on the agenda at the Monitoring Group's forthcoming plenary meeting in Strasbourg. They would also be discussing how they might meet before and after WADA meetings to strengthen the indirect participation of the 36 countries which had signed the Anti-Doping Convention.

MR BALFOUR thought that they were delaying things chasing red herrings. Their meetings in Sydney and Montreal had revealed that the letter 'W' in WADA seemed to stand for Europe rather than the world. As far as he was concerned, as an African, the world was not Europe. Secondly, it should be clear to everyone that governments should be represented by governments, not by any other body. Whatever problems Europe had, Europe should solve them. They simply could not come to WADA Board meetings with their own continental problems. This had been said in Sydney and Montreal. All governments had agreed in Montreal that governments should be represented by governments. He hoped that the meeting would not be held up further discussing red herrings, because there was a great deal of work to be done to move forward the wonderful organization that was WADA.

THE CHAIRMAN did not believe that Europe was trying to delay anything in any way. One of the ways Europe was trying, and might try, to solve its problems was by coming to the Board with a proposal for different representation for Europe. This was a matter to be discussed as and when it occurred. His point was that the Olympic Movement, for its part, had managed to get all the countries involved and he hoped that governments would do the same thing. Many of the actions they were going to have to take together would involve government action and it was important that no country felt that it was excluded. There was no question of delaying what they were doing on that account.

MR WALKER agreed entirely with Mr Balfour that this was a red herring. If there was a problem with European representation, the European governments should be in a position to address it. However, he did not think there was a problem and he stressed that the Council of Europe representation had been decided on by the governments of the 41 member states of the Council of Europe.

THE CHAIRMAN returned to two items mentioned by Mr Coderre in his report on the Montreal meeting: the first was the application of the principles that this organization stood for in respect of professional sport. He thought this was a wonderful idea, but would be interested to know how governments intended to make this happen in sports organizations over which the Olympic Movement had no control whatsoever.

MR CODERRE replied that when he had spoken of professional sport he was referring to professional sports that were included in the programme of the Olympic Games. This was therefore an issue not only for governments but also for the IOC and the Olympic Movement. If sports such as ice hockey and basketball wished to be part of the Olympic Games, it was crucial that they made it clear once and for all that there would be no double standards and no special treatment for professional sports. This was a golden opportunity for the Agency to prove its worth and show that it was totally independent and not at the mercy of any organization. The governments involved would give the Chairman their undivided support in this respect.

THE CHAIRMAN had misunderstood the extent of the governments' resolve in this area. He thought that they had wanted these rules to apply to all professional leagues under all circumstances. If they only wanted them to apply to those professional athletes who were eligible for Olympic competition, that was much easier to accomplish.

He asked if there were any other issues other than the size of the board and the size of the Executive Committee that needed to be dealt with from the Montreal report as a special item on the meeting agenda.

There being none, he opened the floor to questions about the Montreal meeting.

MR HENDERSON hoped that the issue of responsibility over professional sport was not being divided into two groups. Most IFs were responsible for professional sport. He fully understood the problems of some leagues in North America but he wished to stress that most IFs looked after all aspects of their sport and hoped that this would not be circumvented in any way. Secondly, with regard to paragraph 4.1 of the Declaration, he hoped that the governments realized that most of the funding for WADA would be coming from them. He would be interested to know what had been said about the issue of reviewing government financing of WADA.

MR CODERRE said that this was a discussion that would take place after the first two years of WADA's existence, for which an agreement for funding had already been reached. He would be pleased to discuss a review of the funding of the Agency with Mr Henderson in two years' time. He noted that the Canadian government had increased their anti-doping funding by CAN\$ 600,000, thus bringing their anti-doping budget to CAN\$ 2.5 million.

12/4/00

Aware of the need to move on and not get caught up chasing red herrings, MR BALFOUR nevertheless wished to stress that governments were often not as rich as some international organizations and had competing priorities within their own governments.

THE CHAIRMAN did not believe that this was a red herring. Part of the deal for WADA was that funding would be provided on a 50/50 basis by governments and the Olympic Movement. The Olympic Movement had agreed to provide all the funding until 2001, but had hoped that this might not exclude access to research funds which were already allocated and might not be incremental contributions by governments. Poor or not, governments would have to find a way of making a financial contribution and he was sure that this could be achieved without lavish spending.

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DR VEREEN suggested that this was perhaps the time to adopt the part of Appendix A to the Montreal Declaration on public input to WADA.

The only concern THE CHAIRMAN had in this regard, was that, given the large number of cranks in the world, the Agency would lose time considering long documents with no value. They might wish to consider the obligation to review papers submitted and pass them on.

DR VEREEN did not think that there was a requirement to pass any information on, but was simply in the spirit of being open and transparent.

THE CHAIRMAN suggested that Dr Vereen might repeat his proposal on the material from the Montreal Declaration.

DR VEREEN agreed to do so. The suggestion he was making was that the first three sections of Appendix A to the Montreal Declaration on transparency, public participation and conflicts of interest be agreed upon as the general rules under which the Board functioned on those issues. If they agreed on these points they would be able to convey a tangible achievement to the world. If members did not feel they had had enough time to digest the information, they could perhaps table the motion until later at the meeting.

THE CHAIRMAN proposed that items 1, 2 and 3 were sufficiently general to be adopted there and then and would facilitate their dealings with the public. Items 4, 5 and 6 (on sanctions, gender awareness and WADA's authorities to compel action), on the other hand, required further study by the Executive Committee before it could come back to the Board with concrete proposals.

There were no objections to this suggestion.

DECISIONS

1. New government representatives formally accepted as Foundation Board members.
2. Report by Mr Coderre on the Montreal Meeting of the International Intergovernmental Consultative Group on Anti-Doping in Sport approved.
3. Items 1, 2 and 3 of Appendix A to the Montreal Declaration adopted.
4. Items 4, 5 and 6 referred to the Executive Committee for further study.

6. Matters arising from the meeting of 13th January 2000

- a) Draft principles of governance

THE CHAIRMAN asked the Secretary to present the first set of suggested principles of governance that had come out of the Montreal meeting.

MR SYVÄSALMI said that Mr Housman was responsible for preparing this paper and that six WADA board members had attended the meeting with the aim of preparing a proposal on governance issues.

DR VEREEN offered to review the initial principles which could in fact be found as Appendix A to the Montreal Declaration in the meeting file (Annex 1). The purpose of the document was to bring WADA procedures in line with standard corporate practices in international organizations. The

proposed document addressed six main principles: transparency, public participation in the WADA Board, conflicts of interest, sanctions for those who aided and abetted doping, gender awareness and, finally, the authorities of WADA to compel action. He proceeded to detail the proposals for each of these principles. He drew attention to an amendment which had been made to the section on public participation (Annex 3).

In addition to the proposals included in the document, Australia had some further proposals relating to voting, in particular the issues of quorums and proxies.

MS VANSTONE said that Australia had indeed concluded that there were some additional issues that deserved consideration. These were quorums, rules for teleconferencing or telephone meetings. There might be circumstances when such meetings were required. They had submitted a list of proposals to WADA that day, but wished to give Board members time to consider them before a decision was taken at a future meeting. One way of dealing with issues such as these might be to form a WADA subcommittee which could then report on its discussions to the Board.

There being no further comments, THE CHAIRMAN asked Dr Vereen whether it was correct that the amendment he had mentioned related to accredited observers having the right to raise issues to be considered.

DR VEREEN confirmed this. The amendment provided mainly for such observers to listen to the meeting but also be able to participate. The Board would benefit from having specific groups, often expert groups available.

MS VANSTONE was very supportive of what the US were trying to achieve. However, she believed that it was important that they all moved together because they had some contentious issues to deal with. It might therefore be better if this whole matter was given to a subcommittee to deal with comprehensively.

THE CHAIRMAN was content to refer this matter to the Executive Committee to have it come back to the next Board meeting with a definitive proposal for adoption. The only areas concerning which he might have some misgivings were the authorities to compel action. The international sports movement had not turned over the authority to run the international sport movement to WADA. There were a number of unstated premises in the document however that made it seem as though it had. The Executive Committee would have to consider this. Otherwise, however, he felt the proposals on conflicts of interest and on other matters to be very helpful.

DR VEREEN added that at least the document was there for review, which was its main purpose at that stage.

THE CHAIRMAN agreed. He proposed referring the IICGADS's decisions on WADA governance issues to the Executive Committee for return to the Board at its next meeting, when the Board would adopt or reject the final recommendations.

MR CODERRE thought that, given that these were governance issues, they should perhaps consider item 8a on the agenda ("Appointment of the Executive Committee") immediately, or at least after, item 6.

THE CHAIRMAN said that item 8 would be discussed later, but he assured Mr Coderre that he would be charged with part of this issue.

DECISION

The IICGADS decisions on WADA governance issues to be referred to the Executive Committee for discussion and proposal of final recommendations to the WADA Board.

- b) Contacts with International Federations

THE CHAIRMAN noted that during the meeting in January they had undertaken to establish preliminary contacts with International Federations (IFs) to see how the objectives they had in mind would correspond with the activities of the IFs, and the degree of cooperation that could be expected. He asked the Secretary to report on the work that had been done since the last meeting.

MR SYVÄSALMI noted that item 7b would be part of the same issue. He referred to the reports in the meeting file of the meetings he had held with six IFs: archery, badminton, judo, basketball,

weightlifting and volleyball. These meetings with the various IFs would continue: in April they were going to meet FIFA, and hopefully other IFs as well. The meetings held so far had been absolutely necessary, very positive and productive, although different from each other. This showed that each IF had its own rules, habits and working methods - which had to be respected. He hoped that they would be able to draw up a proposal on how to continue their work in this area shortly. He asked Mr Aján as the only IF Board member they had met with so far to give his account of the meeting.

MR AJÁN said that during the meeting he had explained to the Secretary how the International Weightlifting Federation (IWF) organized its doping control programme, especially its out-of-competition testing programme. Over the past 10 years his IF had carried out between 400 and 500 out-of-competition tests and 800 tests carried out during different competitions. He had mentioned some serious practical problems to the Secretary which they had to solve for WADA to achieve its aims. These problems included the denial of access to sample-taking officers to some countries. Without governmental assistance, this was a problem they could not solve. Another serious issue was the need to ensure the same standards at all IOC-accredited laboratories. Some laboratories used different technology and some gave different explanations. The third need was to ensure very close cooperation with the Court of Arbitration for Sport (CAS). He proposed that they do something before the Sydney Games, because most countries expected WADA to act before Sydney.

MR HENDERSON noted that testing could only be done at sanctioned events of IFs or on athletes competing in sanctioned events of IFs. Anyone who availed himself of the Agency would have to come under the IFs' structure. If this was not done they would be totally circumvented. This had to be a policy.

THE CHAIRMAN said that athletes subjected to out-of-competition tests carried out by WADA would not be in competition at the time of the testing.

MR HENDERSON replied that these athletes however were athletes who intended to compete in sanctioned events of IFs. They could not start testing maverick groups outside the IF structure.

PROF. LJUNGQVIST believed that this was an excellent start to a survey of IF doping control practices. He had mentioned at the last meeting that only a few (some 12) out of the 35 Olympic Federations conducted out-of-competition testing, which suggested that there was a considerable amount of work to be done. During the Secretary's future meetings with IFs, he believed that the concept of out-of-competition had to be properly defined, because different IFs and different countries had different definitions. What the discussions should focus on was unannounced or surprise out-of-competition testing.

THE CHAIRMAN agreed. The reports he had received from the IFs to date had all been extremely positive and there had not been any resistance to the idea of this kind of a programme: on the contrary there was an embracing of it. However, they had to tailor each programme to each particular sport and IF which was why the meetings had to take place in a particular programme designed for each sport. They would have a proposal for the Board to consider later on the agenda that would apply to all the sports for Sydney and provide a timeline for unannounced out-of-competition tests, which could be carried out as early as April and not later than July for all the sports. This was not perfect but was certainly an improvement on what currently existed.

MR CODERRE praised the work that was being done in collaboration with the IFs. It was essential that all work concerning anti-doping, in particular relations with IFs, was done with mutual respect. He understood the point made in this respect by Mr Henderson. He also thanked Mr Henderson for his clarification of the point made regarding the application of the tests for events which perhaps were not sanctioned by IFs. If they really wanted as wide an application framework and method as possible they had to consider everything.

THE CHAIRMAN picked up on the point made by Mr Aján about unannounced out-of-competition testing. This point was aimed at public authorities and their ability to ensure access for unannounced out-of-competition testing, which was absolutely critical for the success of the programme and was not something that the Olympic Movement could deal with.

MR KHANNA asked for clarification of what had been accepted by the Board. As he understood it, the Board had accepted in principle the concept of out-of-competition surprise testing and the Chairman would be bringing a detailed proposal with modalities on exactly how this testing programme would run and what responsibilities governments would have to provide access.

THE CHAIRMAN confirmed that this was the Board's earnest hope.

12/4/00

MR KHANNA asked when this detailed proposal would be brought before the WADA Board or presented to governments because they would have to consider the matter quite carefully.

THE CHAIRMAN said that it would be done during the course of that day's meeting. A number of issues had to be considered beforehand, but if these were agreed they would have a programme that they could implement forthwith.

DECISIONS

1. The Secretary to continue his meetings with IFs.
2. Unannounced out-of-competition testing approved in principle. A more detailed proposal to be made to the Board later during the meeting on the modalities for such testing and on governments' responsibilities for providing access to testing officers.

- c) Location of the temporary Secretariat

THE CHAIRMAN had asked the Secretary to prepare a comparison of the cost to WADA of his moving to Lausanne, pending a decision on the permanent location, with that of his working from Finland, and take into account other operational efficiencies that would suggest one location or another.

MS LINDEN wished to recuse herself on this matter given that Helsinki was the alternative to Lausanne as a temporary location for WADA's Secretariat. She offered to leave the room for the duration of this discussion.

THE CHAIRMAN suggested that it was sufficient that they noted that she would not participate in the discussion or the decision, but that there was no need for her to leave the room.

MS LINDEN thanked the Chairman.

THE CHAIRMAN asked the Secretary to give the reasons why he had decided that it would be better for him to be based in Lausanne during the interim period.

MR SYVÄSALMI pointed out that appearances could be deceptive. The documents in the meeting file suggested that the Agency could be based in Lausanne or Helsinki. However, he had realized during the six weeks he had been acting as WADA Secretary that there would be more than 20 official meetings, including Board meetings, Executive Committee meetings and working committee meetings. Given that there would be no meetings during the Olympic Games in Sydney or the subsequent Paralympic Games, nor during the Christmas period, he had calculated that these 20 meetings would have to take place over a mere six-and-a-half months, which translated into around one official meeting every week. If WADA continued to be allowed to use the facilities offered by the IOC, simply for practical reasons, he would wish to work in Lausanne.

THE CHAIRMAN opened the floor to comments or questions. There being none, he asked members whether they were happy for the Secretary to work from Lausanne. There being no objections, the proposal was approved.

MR KOSS suggested that they should prepare a short statement for the press to explain why the temporary Secretariat would be at the IOC's premises in Lausanne, to avoid potential criticism from the press about the independence of the Agency.

THE CHAIRMAN noted that they were currently in the process of investigating access to working space in Lausanne outside the IOC. This was definitely something that should be done.

DECISION

The WADA Secretary and temporary Secretariat to be based in Lausanne.

- d) Banking arrangements

THE CHAIRMAN asked the Secretary to present his recommendation on banking arrangements to the Board.

12/4/00

MR SYVÄSALMI recommended that WADA use the UBS, which was a highly reputable international bank, as their bank for the interim period.

THE CHAIRMAN asked the Board to agree to this recommendation so that they could go ahead and fill in the necessary bank forms.

Following the idea of transparency again, MR WALKER asked whether the UBS was also responsible for looking after other Olympic accounts, including the IOC's.

THE CHAIRMAN replied that it was one of three or four banks the IOC used. He was not sure which IFs might use it. This however would be a separate bank/client arrangement.

MR CODERRE pointed out that whatever they said to the press about their administrative arrangements they should lay the emphasis on the word "interim".

THE CHAIRMAN said that it was certainly clear around the table that there were two periods, and they could make that clear. He suggested that the Board authorize the Secretary to execute the standard banking agreements with the UBS on behalf of WADA, that the Secretary also be authorized to sign cheques on his own for amounts up to SFr. 5,000 and that any cheques over SFr. 5,000 should be signed by the Secretary and one member of the Executive Committee, for the purposes of internal control.

DECISION

WADA to bank with the UBS for the interim period.
The Secretary to be authorized to sign any cheques for amounts up to SFr. 5,000, while cheques for more than SFr. 5,000 to be signed by the Secretary and one member of the Executive Committee.

- e) Appointment of auditors

THE CHAIRMAN asked the Secretary to present his recommendation regarding the appointment of independent auditors for WADA to the Board.

MR SYVÄSALMI recalled that at the first Board meeting members of the Board had been asked to declare any potential conflicts of interest regarding the selection of an auditor of WADA before the current meeting. No member having declared any potential conflict of interest, he recommended using the services of PriceWaterhouseCoopers, the largest firm operating in this field.

THE CHAIRMAN reminded members of a point he had made at the last meeting, that PriceWaterhouseCoopers were also the independent auditors of the IOC. He would therefore not participate in the decision on that basis. There being no comments or objections by members of the Board, the recommendation was approved.

DECISION

PriceWaterhouseCoopers appointed as the independent auditors of WADA for the fiscal year ending on 31st December 2000.

- f) Job description of the CEO

THE CHAIRMAN had asked the Secretary to prepare a draft job description for the Board's consideration which was included in the meeting file (Annex 4). The eventual job description was going to depend to some degree on how WADA was organized and its activities developed. Clearly some of the assumptions on which the draft job description was based might be different from what they decided as a Board. The purpose on this occasion was to receive any comments or suggestions that members of the Board might have for the Executive Committee then to consider the matter in more detail and launch the search for the CEO.

MR SYVÄSALMI referred members also to WADA's draft organization chart (Annex 5) which had a great deal to do with the job description of the CEO and could therefore be discussed alongside the latter.

12/4/00

THE CHAIRMAN reminded members that at the last meeting they had decided that the day-to-day operations of the Agency would be under the control of a CEO who would be paid. The CEO would implement the policy determined by the Board and by the Executive Committee, represent the Agency in many of its dealings with IFs, organizing committees, the Olympic family and with the public at large. These general criteria had been reflected in the job description that Board members had in front of them. Consideration would be given to eliminating elements of the job description members might not feel were necessary, and to any additions that members might wish to make. He opened the floor to comments.

MR LARFAOUI asked in which department of the organization anti-doping programmes would be.

THE CHAIRMAN replied that it could be under the legal department or the standards and harmonization department. Clearly both of these departments would have to work together.

DR GARNIER pointed out that the organization chart did not clearly indicate the medical dimension of the organization. He proposed amending the job title of the Director for Education and Ethics to "Director for Education, Ethics and Medicine".

THE CHAIRMAN thought that the medical dimension would come under the Director for Standards and Harmonization rather than the Director for Education and Ethics. It might even be appropriate to create a separate committee, to deal with the list of prohibited substances for example. These were simply the initial committees that they intended to get up and running immediately.

MS VANSTONE suggested that they should not lose time discussing details but rather express a general agreement or disagreement with the outline proposed and refer the matter to an executive subcommittee to deal with, only requiring such committee to come back to the Board if there were any major departures from the proposed structure.

THE CHAIRMAN was content with this suggestion.

PROF. DE ROSE asked in which of the four directorships the supervision of out-of-competition testing would be.

THE CHAIRMAN said that in the proposed organization chart it would be either under the Director for Legal Affairs or the Director for Standards and Harmonization, probably the latter.

PROF. DE ROSE agreed that it would be better to keep medical issues under the Director for Standards and Harmonization.

DR VEREEN suggested that since health science and medicine should live together and that health science would include research, medicine should be included in the directorship for research.

THE CHAIRMAN thought that this was worth considering.

MR WALKER believed that there was a missing element in the job description of the CEO that the Executive Committee could look at, namely qualifications. He had made some proposals in this regard which were consigned in the report of the first Board meeting. Regarding the organization chart, he believed the issues of out-of-competition testing were sufficiently important to figure on the chart.

THE CHAIRMAN stressed that this was a proposed organization chart and that there was no question of adopting it. It was a chart showing the way the organization might look when it began its activities.

MR CODERRE reiterated the point made by Ms Vanstone about delegating this task to a subcommittee instead of losing time discussing it then.

THE CHAIRMAN agreed and said that a subcommittee would be appointed as soon as possible to deal with this task.

DECISION

A subcommittee to be appointed to recruit the WADA CEO and continue preparation of WADA's internal structure.

- g) Draft tender document regarding permanent site

THE CHAIRMAN referred members to the document in the meeting file (Annex 6) which was a first draft of the document which would eventually be circulated to interested cities or countries. He asked the Secretary to report on the preparation of this draft document.

MR SYVÄSALMI had had previous experience of bidding processes as a member of the Helsinki bid committee for the 2006 Olympic Winter Games. He had consulted with his Australian colleagues on the matter and proposed that the Executive Committee should prepare a detailed list of requirements. In the meantime he had prepared a document which he summarized. It included a list of key factors to be taken into consideration in choosing a site for WADA. These were: host acceptance; legal support; accessibility; economic considerations; facilities; and credibility. The document also emphasized the need for the selection process to be open, transparent and accountable. Although they did not know exactly how many cities would bid to host WADA's headquarters, he had worked on the assumption that there would be more than eight applicant cities, which would require a two-stage process involving an application stage and a candidacy stage.

MS LINDEN asked whether the Executive Committee, when it would be presenting its list of candidate cities, would be listing such cities in any specific order, or whether it would be the same list as the one presented to it by the evaluation committee. If the Executive Committee had to take any decision on the respective merit of the cities concerned, the issue of conflict of interest should apply as it did in the evaluation committee.

THE CHAIRMAN agreed that this was a good point and that it was perfectly reasonable for a member of the Executive Committee who might have a conflict of interest not to participate in any prioritization of the cities recommended to it by the evaluation committee.

Given that the final decision would be taken by the Board, MR KHANNA thought that to have the Executive Committee prioritize the list of cities selected by the evaluation committee was unnecessarily complicating matters. A straightforward exercise of preparing some kind of select list could be done either by the evaluation or the Executive Committee. Prioritizing beyond that was a function however that should be left to the Board. As far as the issue of conflict of interest was concerned, he agreed with Ms Linden.

MR CODERRE unfortunately had to leave the meeting to carry out other duties in Canada. Before leaving he wished to say for the record that Montreal would be a candidate to host WADA. He would like to see a good discussion of the issue of conflicts of interest because if the European representatives were to back the European candidate cities a case could be made for not allowing Europe to vote at all. He also believed it was important to establish as soon as possible a time frame for the bid process, which they had agreed at their last meeting would be concluded in January 2001.

He took his leave of his fellow Board members and introduced his replacement, Mr Norman Moyer, his assistant deputy minister. He stressed that Canada was committed to the fight against doping and was confident that the decisions taken that day and the work carried out in collaboration with the athletes, the IFs, NOCs and the IICGADS meant that they would finally have an independent agency which would be able to meet the needs of the people and athletes.

THE CHAIRMAN thanked Mr Coderre for attending the meeting and assured him that they would certainly have a schedule attached to the decision for WADA's permanent site. Such a time schedule would have to be quick but would have to give time for the candidate cities to prepare a bid file to be assessed. It was more important to make the right decision than to try and make the choice in a certain number of days.

Mr Coderre left the room at 11.30 a.m.

MR MAYORAL believed that the evaluation committee was a very important body and that its report would determine the final choice of site for the Agency. He would therefore like to know the composition of the evaluation committee. He supposed that it would be composed of Board members, but he wondered whether it would also have medical experts.

THE CHAIRMAN thought that there would be a combination of Board members and some experts who could provide assistance in their particular areas of expertise. He suggested that they should canvass the Board for suggestions of any people they thought might be helpful, and submit the names to the Secretary who would ensure that any names put forward would be considered by the Executive Committee before appointing the evaluation committee.

12/4/00

MS LINDEN thought Mr Coderre had raised a very interesting point about conflicts of interest. She believed that there was potential for conflicts of interest not only for the government representatives but also for the IF representatives, who after all also had a country or continent of origin. As far as she was concerned, the issue of conflict of interest should be applied to all members on the basis of their nationality. Clearly, if the issue was considered on a continental basis, as suggested by Mr Coderre, the same should apply to other continents as to Europe. She therefore suggested that a proposal be made to the Board regarding the whole issue of conflicts of interest.

THE CHAIRMAN pointed out that the proposal did refer to nationals of countries involved in the process.

MR HENDERSON happened to have been born in Canada. What needed to be provided in addition to what was laid out in the document was a shopping list of specifically what needed to be provided in terms of office space, meeting rooms, facilities etc. Could the Secretary do this?

MR SYVÄSALMI said that they knew already that they needed a meeting room that could hold 50 people, they needed logistics in terms of hotels and the like for at least 60 people. The basic needs in terms of office space, meeting room space were clear. However some other needs might arise, such as teleconferencing facilities.

THE CHAIRMAN said that they would give a written estimate to Board members of what the needs were likely to be.

Taking up a point made by Mr Mayoral, MR KHANNA said that they had earlier decided that the Executive Committee would be composed of Board members, and that the membership of the evaluation committee would therefore in turn come from the Executive Committee. If they were going to be any experts on the evaluation committee, whether they were experts in health or anything else, he imagined that these experts would be acting in a purely advisory capacity and would not determine which city would be shortlisted and which would not. This decision would presumably be taken by the Executive Committee. He asked for clarification of what was perceived to be the role of experts who were not members of the Executive Committee in the process of city selection.

THE CHAIRMAN replied that experts and the Evaluation Committee would provide advice for the benefit of the Executive Committee, and the Executive Committee decided which candidates would be brought forward for final decision by the WADA Board.

Regarding the determination of the permanent site for the WADA headquarters, DR VEREEN said that there was a point in Appendix A to the Montreal Declaration that might be helpful. He would make a suggestion later on that the first three topics in this Appendix (transparency, public participation and conflicts of interest) be voted on by this group. According to what they had discussed in Montreal "a conflict of interest for the purposes of the WADA statute [existed] when a party (individual, organization or entity) [had] a specific, personal or representational interest, financial or other, or fiduciary duty that could objectively be determined to conflict with or otherwise interfere with their ability to decide a matter or participate in the consideration of a specific matter presently before the WADA impartially and without prejudice". He thought that this provided clear guidance and he offered it as a potential solution or guidance to a solution.

THE CHAIRMAN was not sure what the rule meant, but was happy to accept if it everyone else was happy with it.

PROF. LJUNGQVIST proposed an amendment to paragraph 6, entitled "credibility", of the "Key factors to be taken into consideration in choosing a site for WADA". Given that drug misuse in sport was part of a wider picture of drug misuse in society at large and was related above all to the health of the individual, he proposed that the second sentence should be amended from: "The choice of site should acknowledge the host's history and tradition in international sport ..." to "The choice of site should acknowledge the host's history and tradition in anti-drug policy in general". This was an important credibility and image issue and tied in for example with the proposals made in the Montreal Declaration about the food supplement market. It was important to convey a message that governments had to take responsibility for drug policy in general.

Without wishing to turn the meeting into a drafting session, THE CHAIRMAN said that the original sentence aimed to convey exactly this kind of thought.

For PROF. LJUNGQVIST anti-doping programmes were one thing while anti-drug policy in society was much more.

MS LINDEN was concerned that the clause read out by Dr Vereen could be interpreted in such a way that Europe might be omitted from the decision-making process concerning the site simply on the grounds that it was represented by intergovernmental organizations. Of all the other continents involved, a similar situation would only occur for Africa in the case of the SCSA. All the other continents were represented on a country basis. She wanted to make it clear as the European Union representative that such an arrangement would be totally unacceptable.

THE CHAIRMAN said there was no need to decide on this matter then, but drew attention to the fact that the penultimate point in the document regarding the election procedure of the host city clearly stated that "no member of the evaluation committee [might] be a national of a country which [had] a candidate for the site of the Agency". This was the concept they were working on, and the European Union clearly had not yet at any rate become a country.

MR MOYER said that there was a difference between the conflict of interest proposal that was made by the representative of the United States and the position just put forward by the Secretary with regard to the site selection criteria for the WADA headquarters. His understanding of what would be proposed as guidelines would in fact exclude the representative of any continent which had a candidate city from being present in the discussions at the Executive Committee. This would pose a problem since it was proposed that the five continents should be on the Executive Committee as continental representatives. This issue therefore had to be solved, either then or later, because there was a clear difference between the two proposals expressed.

THE CHAIRMAN did not want to get to the point when only the cleaning staff could take the decision on the location of their headquarters.

MR BESSEBERG saw no reason for the evaluation committee to report to the Executive Committee before it in turn reported to the Board. Why could the evaluation committee not make its recommendations immediately to the Board?

With reference to paragraph 5 of the key factors to be taken into consideration in choosing a site for WADA, DR SCHAMASCH did not believe that the presence of an accredited laboratory should be a determining selection criterion. Some organizations preferred to use the accredited laboratory of their headquarters, or the nearest accredited laboratory - something which was not always desirable.

MR HENDERSON's accent clearly revealed that he came from North America. However, for anyone to accuse him of supporting the United States on an issue because he came from North America was wrong. His IF was responsible for 130 member national authorities. The best way to run his IF was to divide and conquer Europe and that was about the easiest task to do. It was therefore absolutely wrong to even think of considering Europe as one nation. He supported Ms Linden's position that the issue of conflict of interest should be country- not continent-based.

MS VANSTONE appreciated that there were differences of opinions that needed to be resolved regarding this issue. She believed that there was good reason to apply the issue on a country basis and, as Ms Linden had suggested, that it should apply to all Board members including the sports representatives. However, she felt that it would be better to refer the matter to an executive subcommittee.

Returning to the point Mr Coderre had made about Europe being represented by intergovernmental bodies which represented part of, or the entire, continent, she believed that representatives should be treated as such in respect of other Board matters including conflicts of interest. This would not be a difficult matter to resolve, but it might not be possible to find a solution at the current meeting. This was why she recommended the appointment of an executive subcommittee to propose a solution as soon as possible, also given the need to meet the commitment to have the Agency up and running at its permanent headquarters in January 2001.

THE CHAIRMAN suggested that the Executive Committee meet and decide whether it agreed. If it failed to agree then the matter could be brought back to the Board to decide.

Were there any other elements that members believed ought to be included in the criteria?

MR MOYER asked for a time frame to be identified for candidate cities to identify themselves.

THE CHAIRMAN hoped that they could agree on the selection criteria at the first meeting of the Executive Committee. Until then it was very difficult to set a time frame, but at a guess, 90 or 100 days might be required for cities to decide with their countries whether they could organize the space,

diplomatic status, etc. This would be followed by an expression of interest phase and a fast-track evaluation, followed by a decision. The aim was to complete the whole process in a year.

PROF. LJUNGQVIST disagreed with Dr Schamasch's comment about the relevance of having an accredited laboratory in the bidding city or country. He believed that it was quite relevant for the host city to have shown the example of being active in the field of anti-doping by also having set up an accredited laboratory. Moreover, the presence of such a laboratory would be extremely valuable to WADA's executive staff as it would provide specialists in this field close at hand.

THE CHAIRMAN thought that they could all agree that the presence in the city of an accredited laboratory might not be a determinative but certainly was a relevant selection criterion.

He congratulated the Secretary for preparing a concise working document.

DECISIONS

1. Siting criteria for the WADA headquarters to be further considered by the Executive Committee and bid procedure to be established on the basis of agreement reached at Executive Committee level.
2. The Secretary to prepare a written estimate to Board members of what the practical needs of the Agency are likely to be.

- h) Policy on proxies

THE CHAIRMAN noted that the issue of proxies was an important one for the Board. The work they were going to be doing was absolutely critical to the fight against doping in sport. Each of the participating groups on WADA had committed to representation at the highest levels. The Olympic Movement representatives were presidents of NOCs and IFs along with leading individuals from the IOC and elected athletes, while the government representatives included ministers and very important public servants. It was important that governments recognized the seriousness of their commitment to WADA by sending ministers to its meetings. The personal as well as the organizational commitment to the work of the Agency, particularly in the start-up period, was important. The membership of the Board was personal and no proxies should be permitted. On the other hand, as Mr Coderre had just indicated, not all members would be able to attend all meetings and this was a fact of life. However he hoped that such absences would be minimal, because repeated absence would clearly convey a signal that the Agency was not important, which was undesirable and might suggest that they had not made the right choice. He therefore suggested that they consider that members who could not attend should be allowed to be represented on the occasion of the meetings by an individual from their constituency on an informal basis. Such representative would have the right to speak and be recognized, but not the right to vote at the meetings. Secondly, while WADA would assume the cost of its own members to travel to meetings, the travelling expenses of any replacements should not be borne by the Agency.

Presenting the point of view of governments, MS VANSTONE observed that all governments had different parliamentary schedules; some of the ministers on the Board might be cabinet members or be required to attend cabinet meetings for matters quite beyond their own or their government's control. The proposal made by the Chairman might be feasible for governments which had not chosen ministers to represent them. However, as far as she was concerned, government representatives should be allowed to be represented by another alternative representative who would have the right both to speak and to vote. She was opposed to the idea of members having the right to give their vote to another member of the Board. Clearly governments in such cases could be counted on to send competent replacements who were familiar with the issues involved. In Australia's case for instance the current Sports Minister Mrs Kelly had just given birth but might at a later date wish to become the Australian representative on the WADA Board, which might well be appropriate. Under this assumption, if there was an occasion when Mrs Kelly could not attend a meeting, the Australian government could turn to her (Ms Vanstone) as a replacement or to one of the two other government staff who had been closely involved in the issues. She would not like to think that there would be a problem with their doing so, or that it might mean that their voting rights were diminished because of it.

MR BALFOUR endorsed what Mr Vanstone had said. No government would send a "sweeper" to the meetings. Each government would clearly be sending as replacement the highest person in office, which in his case was a Director General. Parliamentary schedules and programmes were very

difficult and it was sometimes necessary for ministers to attend cabinet meetings. He therefore pleaded for some flexibility of representation for government members of the Board.

Expressing the athletes' point of view, MR KOSS said that they certainly had the commitment to represent their commission on the WADA Board and they certainly wanted to be present in person. However, some athletes were also in the process of re-establishing their own personal lives and might therefore have difficulties in attending some meetings. There were also considerable demands on a few athletes to attend a number of different commissions. At the last Board meeting it had been suggested that four athletes should always attend meetings of the Board. The athletes had decided however that they should have two proxies at meetings to represent the four athletes members. These two proxies should have full voting rights and observer status for the athletes' representatives.

MR KHANNA had considerable difficulty with the Chairman's suggestion that membership of the WADA should be personal and restricted, in the case of government representation, to ministers. Ministers were quite often appointed by governments to boards such as the WADA Board by virtue of the portfolios they held. It was by no means certain, however, that they would continue to hold those portfolios for any length of time and it was quite often the privilege of the prime minister to determine which portfolios were held by whom and when. Governmental participation should therefore be viewed as institutional. He was not thinking in terms of proxies, but rather of alternatives, whereby governments could have a principal delegate and an alternative delegate, and no matter which of the two attended he enjoyed the same rights and privileges in terms of voting participation and expenses. This would help provide meaningful and reasonable interaction at government level. If they were very rigid about representation, they would run into difficulties. They could reasonably expect governments to ensure that the alternatives when designated would be sufficiently senior persons. They could even consider designating alternatives then. Hopefully their tenure would be long and continuity would thus be assured.

MR LI agreed entirely with the views expressed by Ms Vanstone and Mr Khanna. There was no need to distinguish between governments and individuals. After all in many aspects they needed government support. He might also be unable to attend meetings owing to a crisis in his country. Far from diminishing government representation on the Board, the designation of alternatives would show the seriousness of governments' commitment to WADA's efforts. Alternative representatives should therefore have the right to speak and vote at meetings. If alternative representatives only had the right to speak and not to vote at meetings there was no purpose in sending them at all. He hoped the Chairman could consider governments' needs in this respect.

MR LARFAOUI believed that all members of the Board faced the same situation and all had tight schedules and obligations. However, he believed that accepting to be a member of the Board or of the Executive Committee meant accepting responsibilities. Absence from meetings should only be the exception, not the rule. But by accepting the appointment of alternative representatives it became the rule. He therefore believed that they should keep things as they were while accepting that members might as an exception fail to attend a meeting, in which case consideration could be given to alternatives, or rather representatives. He was also opposed to proxies.

DR VEREEN noted that governments were represented on the Board by individuals. He believed he could speak not only for the United States but probably for all the other governments represented on the Board by saying that, as governments, they took their responsibility very seriously. Portfolios did change however, and in the case of the United States, they were giving serious consideration to issuing legal provisions to ensure that they could continue their commitment to WADA and their responsibilities to the hemisphere. In order to carry out their responsibilities they would need to have the right to speak and vote at meetings, irrespective of which representative they sent. In his case, his government had chosen an expert who had been involved from the very beginning, had a personal stake in the issue and represented the highest level of the US Federal Government. He therefore argued that appropriate representation determined by the governments involved be allowed to speak and vote.

THE CHAIRMAN recognized that the points made by the government representatives were not without merit. Unfortunately, however, no provision had been made for substitute members when the organization was set up. It might be possible to change this, but the organization they had set up was intended to name individuals to its Board. The members on the Olympic Movement side of the table were individuals who were prepared to make the necessary commitment to attend the meetings, especially during the initial set-up phase of an organization that had a very important mandate. He assured the government representatives that they too had schedules and other commitments. They

had assumed that the government's commitment to WADA, which had extended to wanting 50 per cent participation, would involve picking people who were committed to attend, to ensure the continuity that was needed at least for the first year-and-a-half or two years of the Agency's existence. As far as he was concerned, each person attending the meeting had been named in the constating document of the Agency as a member or they had been subsequently named. There was no alternative. He was not unsympathetic to the special position of governments, but did not want the members who represented the IFs to start sending substitutes. The same applied to the governments: ministers should be there. The date of the current meeting had been chosen in accordance with the schedule of the ministers involved, and this could also be done in future. If not, he could see the same thing happening at the level of the Executive Committee. He did not want some substitute to replace Ms Vanstone, for example, who was a member of the Executive Committee. Clearly if there was a change of minister another minister had to take his or her place. However, he stressed that the ministers on the Board were there because they were the individuals designated by the Agency.

MS VANSTONE believed that she spoke for all the governments represented on the Board when she said that they did not want to send people anywhere to be non-functional, non-contributory and not useful. However, if WADA wanted ministers on its Board, she suspected that for practical reasons it would have to accept nominated alternatives. If she had to go back to Australia and tell her Prime Minister that Australia had to have a nominated person present at all meetings or it would lose its right to vote, she knew what would happen: the government would nominate a civil servant as its representative. Her responsibilities in Australia included the Australian Federal Police, which had a very significant contingent in Timor. If, on the eve of a WADA meeting, she suddenly found that a number of the Australian Police had been killed in Timor, there was no way she could leave Australia to attend the meeting. It simply would not be considered acceptable to the Government or to the Australian people for the minister involved to be swanning off to Europe. This example of circumstances entirely beyond a minister's control illustrated that there would be moments when governments, as committed as they were, would not be able to send ministers. If the Agency decided that replacements could not vote, then governments would nominate non ministers and WADA would lose government commitment.

MR MOYER believed that Ms Vanstone had made a point that all governments would make. There were two different cultures at work, and he was not sure that the principle of personal commitment that the Chairman had announced really applied to governments. A strong commitment was clearly required from governments and governments had to illustrate that commitment by sending people who could express their national point of view effectively and honestly and vote that position at the table. However, if the Agency wanted ministers it had to exercise some degree of flexibility.

MR KHANNA added that it was important to understand that the participation of governments on the Board was institutional. He had not been elected to his job, he was serving in his job: this was the way governments worked. The basic issue was that the Chairman wanted to ensure that government participation was real and effective. However this could not be achieved if governments were denied the right to vote, and thus effectively their ability to influence decision-making at Board level, if they were represented by replacements. He did not believe that there was a fundamental problem because the situation for IFs was somewhat different from that of governments. If what the Chairman and the Board wanted was effective participation they had to consider the solution of having a principal delegate and an alternative delegate. He would not like to have proxy voting, which could lead to a lack of transparency and manipulation of decision-making.

MR ITO was participating in the current WADA meeting on a temporary basis, and not on a personal basis but rather as a representative of the Japanese government. Japan's permanent member, once appointed, would also be representing his government rather than himself. It would be unacceptable if he or another person representing Japan did not have the right to vote.

DR VEREEN could certainly appreciate the Chairman's position. However, governments were special and he felt Ms Vanstone was absolutely right. Although they had only just become official members of the Board, the government representatives had clearly demonstrated an incredible commitment to the issue involved. He had personally been involved since the very beginning and had the authority of a minister from the US President, in which case he felt that he should be able to vote.

THE CHAIRMAN repeated that he was not unsympathetic to the position of any Board member regarding schedule and authority to represent. What he was concerned about, having along with many of the other Olympic Movement representatives experienced the warm glow of ministerial

attention on many an occasion, was the fact that ministerial attention span was admittedly not forever. The reason why they were sitting at the meeting that day, however, was because government ministers had been critical of the way anti-doping activities were taking place. If the governmental side of the Agency was watered down over time to the extent that there were no ministers and (without denigrating their abilities) only public servants, who had to go back to their governments for instructions all the time, they would end up with a lopsided Board with the governments who had been so committed not having an equal voice to the members from the Olympic Movement. All the Board members, including the ministers, had signed a constating document which clearly stated that they were on the Board as personalities appointed for a period of three years. There had never been any question of appointing countries to the Board, only individuals from the countries involved, those countries being relied upon to pick individuals who would move heaven and earth to attend all the meetings. He understood the point made by Ms Vanstone about a national emergency. Similarly, if one of his children were run over by a car he would not attend the meeting either. However, these kinds of circumstance had to be a grave exception to the norm. He was extremely worried about the governments' commitment being watered down over time as doping in sport became less sexy an issue than it had been over the previous year. Without government support at the very highest policy-making level, the Agency could not operate effectively.

MS VANSTONE appreciated the point made by the Chairman but confirmed that even ministers could not always agree to an issue without first consulting with their governments. For example, when the Board discussed the finances of the Agency, unless the relevant papers were distributed sufficiently in advance of the meeting so that her government could give her a general mandate of the limits it could contribute, she could not take a decision. Any public servant replacing her would be in exactly the same situation unless the papers were distributed in advance, in which case the replacement would have the same powers to decide as herself. She took the point about personal impediments to attending a meeting. However, it simply served to highlight that ministers did not only have personal problems that might eventuate but also could have business commitments, depending on whether their governments allowed them to have them, as well as a vast range of other activities linked to their functions. To use an expression which she was not sure was an English, Irish or Australian one, they should put out the saucer of cream and see if the cat licked it up. In other words, they should give governments the flexibility they were asking for and if the scenario the Chairman was concerned might eventuate actually did occur, they should deal with it as appropriate. What they should not do was assume that governments would not make the commitment that, as Dr Vereen had rightly pointed out, they had demonstrated. They simply had to try to exercise some good faith.

DR VEREEN seconded the point made by Ms Vanstone and added that the executive order delivered by the President of the United States made it very clear that whoever sat in the US's chair at WADA meetings not only had the authority to speak for the US but also had a responsibility to fulfil for the rest of their hemisphere, since the US was one of four countries representing an entire hemisphere. He agreed with Ms Vanstone that they should deal with any potential problems if and when they occurred.

THE CHAIRMAN suggested, instead of saucers and cream, having a carrot and a stick, or in other words a policy whereby WADA would pay the expenses of the WADA Board member but not of any replacements sent. He wanted there to be some incentive to making sure that members attended all meetings.

MR VERBRUGGEN asked whether they could make an exception for non-attendance by ministers or secretaries of state only, and only in the event of very serious crises.

MR KHANNA responded by saying that he was attending the meeting simply in his capacity as Permanent Secretary of State for Sports for his country. Until the previous day he had been Permanent Secretary of State for the World Trade Organization. If this had still been his post on the day of that day's meeting he would not be attending. Assuming that he was not Secretary of State for Sport after nine months or a year, would the Chairman still want him to attend WADA meetings? He would not be dealing with sports administration in his country and would have precious little impact on it. Somebody else would be and should be attending the meeting. As he perceived matters, the governments had decided to have governments on the Board. The government of India, for example, would be represented by the Ministry of Youth Affairs and Sport. Whoever could impact on national policy, whether it be the minister or the permanent secretary, would be the right person to attend WADA's meeting. He did not therefore think that it was realistic to make the exception that Mr Verbruggen was suggesting. However, they could agree that participation should be at extremely senior levels and that governments would make their best efforts to ensure that there was continuity.

Continuity when it was contrary to the interests of WADA was pointless. Assuming there was an election in his country in nine months and there was a change of government, would the Chairman like to have the erstwhile minister of the preceding government speak for the Government of India? He did not think that this was either practical or feasible. They simply had to accept that governments on the Board would ensure that their representation would be at an appropriate level so that governments could participate in the deliberations of the Board.

MR MOYER thought that the Chairman's proposal that replacement delegates would not have their expenses paid might have an unfortunate impact on countries where such an expense would make it difficult for them to attend at all.

He reiterated the proposal made earlier by Mr Khanna that governments should be allowed to explicitly provide the Board with a known and identified alternative to the minister representatives, so that the Board could see that the presence of the governments would be assured by people who were known to them in advance. This would also ensure continuity.

PROF. DE ROSE believed that they were losing too much time on this issue. They had many other important decisions to make. Since there was always a very real possibility that governments might face and lose an election, it would be acceptable in this event to have another person appointed. WADA's rules could easily be amended to this effect. This however should be the only exception.

THE CHAIRMAN pointed out that any member was free to resign at any time. Mr Khanna for example could resign if his post was changed and WADA could appoint his successor.

Although he felt that this was an important issue, MR BALFOUR agreed with Prof. de Rose that they were wasting too much time discussing it. Having listened to what had been said, he had the feeling that the Olympic Movement side of the Board did not believe that governments were taking their commitment to WADA seriously enough. On the contrary they did, especially those governments representatives sitting on the Board. This was why they had held the consultative meetings in Sydney and Montreal. Yet he got the impression that the proposal from the governments for alternatives to be allowed to attend meetings and vote was falling on deaf ears. Given that this seemed to be the case, he suggested that they should have the discussion within the Executive Committee which should come back with a recommendation to the Board.

THE CHAIRMAN believed that this was an important discussion, given that they were at a formative stage of the organization during which it was crucial that the ground rules were put in place. He reiterated his proposal that if a government representative was unable to attend, the government in question could appoint an appropriate person to come and sit on the Board, but with the expenses borne by the government, not by WADA. There had to be some stick attached to the carrot. He believed this was a reasonable proposal and if the Board agreed to it they could avoid wasting the Executive Committee's time on this issue. Was anybody opposed to this proposal?

MR KHANNA would have difficulties with the Chairman's proposal because there was an important point of principle involved. While the Board could legitimately expect that government replacement representation would be at an appropriate level, he had difficulty in accepting the carrot and stick policy suggested by the Chairman, which, as Mr Moyer had pointed out, might lead to some countries not being represented at all. He asked the Chairman how exactly the Board intended to replace any government representative who resigned upon changing his government duties. Would the Chairman see his successor as representing the government, or would he expect his successor to be appointed along other lines, depending on what governments originally decided the representation should be, and on some geographical regional basis?

THE CHAIRMAN replied that they would rely on governments to appoint a successor. If Mr Khanna's area of responsibility within his government shifted from sport to transport for example, then clearly he would not be an appropriate person to represent his government at a sports meeting and he would therefore resign. His government would then be in a position to appoint as his successor someone who was involved in sport.

MR KHANNA would have no difficulty with this as a proposal given that government representatives were there not in individual capacities but as representatives of a government, which took him back to his earlier suggestion that there should be a principal nominee and an alternative with no differentiation in terms of privileges or rights. This at least was the view of his government.

12/4/00

MR CHUNG was a diplomat with experience of being a chargé d'affaires in a foreign country. He gave an example: if his government appointed an ambassador and the ambassador had a problem, they had appointed a chargé d'affaires, who would have the same powers. The same applied to their discussion. In other words there was no need to make what to him seemed strange distinctions between government representatives and their ministerial superiors.

MS VANSTONE agreed and noted that Mr Chung's example outlined the nature of the way governments worked. They were not people. In Australia's case, the two ministers it would choose to send would be either the Drugs Minister or the Sports Minister. If either of those two ministers could not attend, two people could be nominated as civil servants, Mr Robert Crick and Ms Natalie Howson, who between them knew more about the issue than any minister Australia could ever send. The fact that the Australian government sent these two civil servants as well was a clear indication of its commitment to WADA. If they went too far in insisting, whether by carrot and stick or cream and saucer, that governments sent the same representative every time, they would simply see governments going down the tree to ensure that they could. If, on the other hand, WADA was prepared to have faith in the governments on the basis of their commitment so far, it would get the results it wanted.

MR REEDIE thought that they had got this far on the basis of consensus which reflected considerable credit to all members of the Board. It was splendid that ministers had come and that the Olympic Movement had come with the same individuals. However, given the number of suggestions made by ministers, civil servants, and the exceptions suggested by the sports leaders, the Executive Committee would have to take another look at the issue of representation. Until the issue was finally settled they should continue their business on the basis of the personalities which were originally chosen.

MR BESSEBERG did not feel that he was sitting on the Board as President of the International Biathlon Union, but rather to represent the sport and sport in general. The same applied to the government representatives who simply represented their countries and governments in general. He therefore suggested accepting the compromise solution proposed by the governments and extending it to allow both the government and sports organization representatives to appoint one or perhaps two substitutes. This was a normal procedure not only for governments but also in sports.

PROF. LJUNGQVIST would prefer to see the issue resolved there and then. There was a tendency in meetings to pass on problems that could not be solved to other committees, which he did not consider as a very satisfactory way of dealing with delicate or difficult issues. He had taken note of the great commitment demonstrated by the governments and he trusted them. Having listened to the arguments put forward by Ms Vanstone, Dr Vereen and others, he had no problem with letting the governments organize their representation as they wished. If they felt that they needed substitutes from time to time, this was fine. If however this system failed, WADA would let the governments know about it.

THE CHAIRMAN emphasized that to change the representation system involved a fundamental change in the organization to which the Board members had subscribed. Personally, he believed such a change was a very bad idea in the start up period of the Agency but he was prepared to accept the view of the majority. He accepted that once the Agency was up and running it would be a different thing. However, right then the Agency was not and it needed personal commitment reflected by the ministers involved from the very beginning at least until it was up and running. If refusing the governments' demands might lead to the Agency having some lower civil servants as representatives then he supposed that they would have to accept their demands. But, as Prof. Ljungqvist had said, if things did not work he assured the governments that they would hear about it. He insisted that the setting up of the Agency with equal representation had been driven to a large extent by ministerial statements on how badly the Olympic Movement had managed their job. He proposed that ministers be allowed to nominate one alternative in advance. There being no objections, this proposal was approved. They would have to see what adjustments were required to the statutes for this purpose.

MR HENDERSON asked whether this applied to the Olympic Movement representatives as well.

THE CHAIRMAN replied that in order to be conceptually fair it had to. However, he certainly hoped that they did not avail themselves of the possibility of sending an alternative representative.

DECISION

Board members to be allowed to nominate in advance one alternative to represent them at any Board meetings they cannot attend. Such alternative to have the same rights and privileges as the member. Necessary changes to the statutes to be considered.

- i) Observers

THE CHAIRMAN recalled that they had discussed the principle of observers at their last meeting. There had been a strong consensus that there could be accredited observers who came to meetings for a particular purpose and might be allowed to participate. They had also agreed that there should be other observers who simply came because WADA's meetings were open. Clearly, there was a need for a very big meeting room simply to accommodate the Board members and their advisers. If meetings were opened to external people it would be difficult to find appropriate rooms. On the other hand, they were committed to the concept of being open and transparent and they would have to find some way of dealing with this. One solution adopted by the IOC to making its Sessions open was to relay them on closed-circuit television.

The official observers would include the WHO and the UNDCP, INTERPOL and others, while other potential observers could apply to be an official observer for a particular purpose or be invited for a particular purpose. Any member of the Board could propose inviting observers on an ad hoc basis. This could be done through the Executive Committee, the Secretary or the Chairman, or by whatever other mechanism they decided on. The public and media could be dealt with on the basis of how interested they were in the meetings. He had already received requests from people who wanted to listen to the meetings, and had so far replied that WADA in principle had no objection to their doing so but had not yet decided on a policy. He proposed that for the media and public they should have no objection to their attending meetings but that they could not participate in them. If there was too much attention they might have to use closed-circuit television.

DECISIONS

1. Official accredited observers to be allowed to participate in meetings.
2. Other observers to be allowed to participate by invitation or suggestion by Board members.
3. Media and the public at large to be allowed to attend meetings but not to participate in them.
4. In the event of there being too many media and/or public visitors, consideration to be given to relaying meetings for their benefit on closed-circuit television.

- j) Athlete's anti-doping passport

THE CHAIRMAN invited Mr Koss to present the athletes' proposal for an anti-doping passport for athletes.

Before presenting the proposal for a anti-doping passport for athletes (Annexes 7 & 8) MR KOSS wished to point out that the proposal was in draft form only. However, he hoped that they could agree in principle to continue working on it and he would welcome the input of Board members.

The main aim was to establish a working group after the meeting which could work in future to present a final proposal at the next meeting.

This was an athletes' initiative and was for athletes. It was fitting that as athletes they took the lead in this field and demonstrated their commitment to eliminating doping in sport. The passport would also show the athletes' support for WADA. Initially at least, it was important that the passport was used on a voluntary basis. The athletes who chose to have a passport could then use it as an argument against resorting to doping, when they were put under pressure to do so by coaches, team leaders and peers. The passport would provide a record of an athlete's doping-control record and prove that an athlete was available for out-of-competition urine and blood testing 365 days a year. At present athletes had to keep their own records of how many times they had been tested and were still

often accused of doping even though they were regularly tested. The Australian swimmer Ian Thorpe was a case in point: although he had undergone numerous doping controls conducted by ASDA and other organizations, he was still being accused by a German doctor of using drugs and had no record he could show to counter the accusations. The passport could help in a case such as this one.

Another key purpose of the passport would be as an educational tool to increase athletes' knowledge about doping and the values and ethics of sport. As a result, the athletes using the passport could become role models of an anti-doping message for younger athletes and their peers.

WADA's lead in the initiative could be shown by its running a database of all the information from athletes throughout the world. Such a database would need to be highly secure to ensure that it was only the athletes who could access information on themselves, and could not tamper with it.

Another possibility was for the athletes who volunteered to use the passport to submit blood and urine samples to be subsequently tested for substances on the list of banned substances if any new tests for any of these substances were developed. Clearly this would not apply to substances not on the list when the samples were submitted.

The aim would first be to have a pilot programme set up in one country and the passport implemented before the Sydney Games, which would provide an ideal opportunity to sign up athletes and meet them.

Clearly there were many logistical difficulties with the proposal, such as the problem of knowing exactly where an athlete was all the time, a problem he knew the IAAF for example had recently experienced. The advantage with the passport was that it made the athletes who volunteered responsible themselves for keeping WADA informed on their whereabouts. Showing that they were permanently available for testing was yet another way for the athletes involved to show their commitment to WADA and the fight against doping. The passport would be a very strong communication tool for the world's athletes. Eventually (at the Games in Athens or Turin) it could even be made a compulsory requirement for athletes who wished to participate in the Games.

THE CHAIRMAN thanked Mr Koss and opened the floor to comments.

MR AJÁN noted that his federation had been using an athletes' anti-doping passport system since 1995. Based on this experience, he had three suggestions for Mr Koss: his federation only accepted anti-doping passports issued by the IF; second, it was compulsory for all national team members of the different member countries of the IF; third, the passport had to be signed by officials and doctors nominated by the IF, to avoid athletes getting friends to sign it for them.

PROF. LJUNGQVIST was clearly supportive of any action to recruit athletes themselves into the campaign against doping in sport. He picked up on the reference made to the efforts already made by his federation, the IAAF, in this field. The IAAF had in fact been working in this area for a number of years. The IAAF's efforts had been based on great hope of success. However it had been very difficult to conduct the programme and although there were clearly some advantages there were also major problems. If WADA decided to approve this project, it should initially take the form of a preliminary pilot programme conducted on a voluntary basis. His main concern was that WADA should not take any major measures that were then seen to fail. The IAAF had a target group of some 2,000 athletes around the world who were supposed to be subjected to unannounced out-of-competition testing at least twice a year in order to be eligible for prize money. The problems were obvious: clearly it was very difficult to have an ongoing daily knowledge of the whereabouts of 2,000 athletes around the world who were travelling and training abroad and therefore not under the control of their respective national federations. The second problem was keeping the list updated on the basis of the 20 best athletes per event. There would be 10,000 athletes at an Olympic Games, but up to three times that number could have qualified. Keeping track of 30,000 athletes clearly presented problems. It was therefore necessary to conduct a careful pilot study first. He was also very much in favour of the programme having an international educational and information-providing component, which was what the athletes were asking for, even at the highest international elite level, and was lacking in the IFs' anti-doping programme.

DR SCHAMASCH congratulated Mr Koss on the athlete's passport proposal. His presentation was certainly a good starting point although a number of elements needed to be discussed by the proposed working group. Aware however that, under WADA's policy on transparency, this document could fall into the public domain, he was concerned that it seemed to make a distinction between sport at the Olympic Games and sport during the rest of the time. The point made about the athletes considering any anti-doping controls carried out during Games time as a breach of their rights gave a

distinct impression of a black and white distinction between the time of the Games and the rest of the year. Sport during the Games was the same as IF-governed sport the rest of the time.

THE CHAIRMAN agreed with the point made by Prof. Ljungqvist about the need for a pilot scheme before they went any further. Another possibility was to include the issue on the ballot for the election of the Athletes' Commission in Sydney. This could provide some basis for eventually moving from a voluntary programme to something that could become required.

Although athletes were increasingly aware of the ballot, MR KOSS believed that any effort to recruit athletes for the passport should take place during the actual anti-doping controls.

THE CHAIRMAN said that the only problem with this was that they would only have contact with those athletes who were tested. He believed that come the Games in Sydney, the athletes would be paying a great deal of attention to the elections because they would be voting for IOC members.

MR KOSS hoped that this would be the case.

THE CHAIRMAN was sure that he could count on a very big turnout.

MR KOSS thought that part of the success of the project would depend on signing up athletes who in turn would influence their peers.

THE CHAIRMAN agreed that it would be very useful to have some athletes publicly to sign up and support the initiative.

With regard to the athlete passport proposal, MR MOYER said that Canada was willing to work with Mr Koss and the athletes on this concept. As it was a very complex issue, six or eight weeks would be needed to plan and implement a pilot programme ahead of the Games in Sydney.

DECISION

WADA to establish a working group to discuss the proposal for the creation of an Athlete's Passport in detail for approval by the Board.

7. Programme of Activities - 2000

- a) Sydney results management

THE CHAIRMAN recalled the previous meeting's decision to put an independent results management system in place. He had put this to the IOC Executive Board to see if it agreed to such a process, and it had. There had been further developments since the January WADA Board meeting, including a meeting between Dr Rogge, as chairman of the IOC Coordination Commission for the Sydney Games, and Ms Vanstone. He asked her to report on what had happened, and to address the concerns expressed about out-of-competition testing by the Australian authorities on foreign athletes when they were in Australia.

MS VANSTONE was aware of the number of hats worn by Australia at the present meeting, in terms of its hosting the Olympic Games, its relations with the IOC and relations with WADA. In the context of hosting the Games, she and Dr Rogge had held a meeting at which they had recognized four key principles to protect the athletes and improve the perception of difficulties in the past with the test results management process. The first was the need for a documented process: athletes and others needed to know what would happen if they were tested. The second was achieving understanding about the laboratories and the work required there. The third was the need for independent observers, who might well be WADA members. The fourth principle was that there should be a public report on the whole process. A WADA non-working party had been set up to produce a non-paper which properly reflected these four principles, and she strongly commended this 1½-page document to the Board. It recommended that they endorse the development of some test result management guidelines; that the non-working party consult with the IOC Medical Commission and finalize the guidelines; and that, subject to the approval of the Executive Committee, these be incorporated into the Olympic Movement Anti-Doping Code prior to the Games. It also recommended to the IOC that WADA be appointed as the independent test results observer for the Games. The final point was to agree to adopt these guidelines as part of the future WADA anti-doping code. Work needed to be done to bring these down to a minimum, with some of the detail shifted into appendices

or guidelines. This was to ensure that the purpose behind the creation of this document, namely to protect the reputation of the IOC and the athletes tested, did not turn into an opportunity for lawyers to work to the opposite end. She therefore recommended amending section e) to say that this was a good starting point with recommendations to follow.

DR ROGGE recalled that lengthy discussions with the Australian government had started in October 1999 concerning proposed changes to the IOC results management system. On the IOC side, there was 95% agreement with what the Australian government was proposing. The IOC's own document was now better regarding the rights and duties of athletes, and an audited public report would be made on the proceedings of the Medical Commission during the Games within a month after the Games. They had also changed and clarified many procedures to make them more transparent and accountable. Unlike what Ms Vanstone had said, the other document before the Board (item 7a) did not totally reflect what the IOC Executive Board had agreed on. They had agreed to an independent watchdog - which he hoped would be WADA - but what it was said that the watchdog would do was not exactly what the IOC Executive Board had decided. He regretted that this non-paper had been prepared and studied in the absence of the IOC Medical Director. Had he been there, the present discrepancies could have been avoided. He proposed taking the non-paper on board at IOC level and seeing where the IOC's own document could be fitted in. For the Games, the IOC Executive Board would be producing its own anti-doping guide and include the elements he had discussed with Ms Vanstone.

Regarding the recommendations in the 1½-page document, it was not a final document and had to be improved. Consultations with the IOC would be a good idea, as there had been no link with the non-working party. As for the third recommendation about incorporation into the Olympic Movement Anti-Doping Code, the IOC would produce its own document following the WADA document guidelines. The IOC supported the fourth recommendation. For the fifth one, the document spoke only of the IOC, and could not as such be incorporated into the Code. It had to be general to include the IFs, NOCs and anti-drug agencies as well, so it needed redrafting.

It looked to THE CHAIRMAN as if two groups had been toiling in parallel trenches not talking to each other. If the IOC Medical Commission produced a document significantly different from what the Board had before it, he was not sure that there could be WADA agreement on the content of the IOC document, and consensus on this area was vital.

DR ROGGE believed that this was a matter of principle. WADA did not have the power to say what documents the IOC produced. The IOC could produce its own ones, and WADA had no power to be involved in in-competition testing. The IOC would of course listen to WADA, but it was up to the IOC Executive Board to decide what document it wanted to produce at its meeting the following month. The sovereignty of the IOC and IFs was total with regard to the results management process, but obviously the IOC wanted to be in line with WADA.

MR SYVÄSALMI explained that he had tried to include representatives of all the different groups in the non working-party, and would have included others had he known. However, the document would, as Dr Rogge had said, go to the IOC for approval. The non-working party had been constrained by time, and so that paper was only 90% ready, but they had thought it better to give a report, albeit an incomplete one, to the present meeting as a basis for discussion.

DR ROGGE stressed that the discrepancy between the two documents was no more than 5%. The same text was used as in the IOC Medical Commission's one, with very few differences. One of these was that, whereas the Australian government wanted independent observers in the IOC Medical Commission, the Executive Board had decided that the Medical Commission would continue working in the normal way, but when it had to rule on a case it would submit full documentation on this to an independent watchdog and to the Executive Board, which was the only body which could impose sanctions. The IOC representatives agreed on the need to clarify certain points, and wished to do this with the non-working party, but there were no fundamental differences.

THE CHAIRMAN had not been suggesting that WADA had the right to approve IOC documents, merely that if there were differences between the two sides, problems would be caused.

PROF. LJUNGQVIST had understood that the Australians had merely wished to ensure that the results management process was dealt with to their satisfaction, hence a non-working party had decided to produce a non-paper which had now become a paper. He had had no idea, however, that the IOC Medical Commission was working on the same paper with the same goal. In his view, the easiest solution was therefore to put this WADA paper into the hands of the IOC Medical Commission

and see if a workable solution for the Sydney Games which satisfied the Australians could be found. After that, WADA could produce a more general paper to be accepted by the IOC and other parties for inclusion in the new anti-doping code.

MS VANSTONE stressed that the 5% of disagreement referred to by Dr Rogge was not a problem for the Australian government, and they were keen to resolve the issue. At the last Board meeting she had mentioned that her government had sent Dr Rogge a paper detailing the problems with the test results management process, and she had assumed that, having mentioned this, some form of cross fertilization would take place as both Dr Rogge and Prof. Ljungqvist had been present. However, they had actually achieved a paper on which everyone could agree to be applied for the Sydney Games, after which WADA could work to make it applicable to a larger sphere.

MR REEDIE could not approve the non-paper having only seen it for the first time that morning. If there was an IOC paper to come, he wanted to see it. However, he thought that the Board had previously agreed that it was the Olympic Movement Anti-Doping Code which would apply in Sydney, and the NOCs believed that. They would be happy that the WADA paper and the IOC paper were close together, and would want the IOC to take on board the WADA paper and take the best elements of it so that there would be total certainty for the athletes in Sydney. The ultimate responsibility lay with the Medical Commission to produce a paper taking into account the contents of the WADA one.

PROF. DE ROSE stressed that the ASDA-based out of competition testing part of the controls in Sydney should have a similar protocol to those performed during the Olympic Games themselves, as it would not be possible to test athletes in the village without international control of the operation. This was a basic rule of international events.

He also agreed with Mr Reedie that the NOCs should know as soon as possible what the requirements were and the systems in place. He was sure that the 5% difference could be worked out, but did not understand why a non-working party had to be involved rather than one of the WADA working committees. He was also concerned that the WADA document referred to the B sample deciding the result of a doping case when, under the present rules, it was on the basis of the A sample that action was taken.

MR KOSS felt it important that, as there were four members of the IOC Medical Commission on the WADA Board, there not be two different sets of results management guidelines. Agreement between these two systems was needed to avoid the appearance of any disagreement. It was the principle concerning the notification of A sample results which differed between the two documents. It was important that notification of a positive sample went to an independent observer, not just the IOC Medical Commission, as the athletes did not trust the present system of notifying just one person or body (since things could go missing). The athletes also recommended that the independent observer be WADA.

DR SCHAMASCH stressed that they were dealing with no more than a 5% discrepancy between the WADA and IOC Medical Commission documents, so it was not worth wasting time on discussing this. Instead they should act now. The IOC had been working with SOCOG and ASDA to get a document which would fit all specific needs, so he was keen to continue working in that direction and produce a final document which would be the Sydney Games anti-doping guide as quickly as possible. Speed was of the essence, as this document had to be put to the NOCs at their meeting in Rio in May. He was prepared to discuss the 5% discrepancy with any person or body necessary.

DR SCHAMASCH added that draft 9 of the Sydney Games anti-doping guide was currently in the hands of SOCOG's lawyers, and would go to the IOC Juridical Commission on 17th April.

For MR MAYORAL it was very important to put the document to the ANOC general assembly in May, but he was also concerned about who would be on the working party, since the NOCs had an expert on this area and proposed that he be included.

In response to Prof. De Rose's earlier point, THE CHAIRMAN recalled that at the previous meeting the decision had been taken to set up a working party rather than a commission in order to work faster on this particular issue. In the future, as WADA went forward to develop a generic results management system, there would be an opportunity for the working committees to study the issues in depth.

PROF. DE ROSE agreed, but stressed that committees should be put in place as soon as possible to develop similar proposals.

12/4/00

Although, being a mere plumber, MR HENDERSON found all this to be over his head, he felt it essential that the IOC and WADA get together to come out with one code and one policy.

THE CHAIRMAN suggested that the IOC Medical Commission and the members of the WADA non-working party meet to produce a text which would satisfy all sides, so that the IOC Executive Board could sign off on it in April, since it was vital fully to inform the NOCs in May.

With regard to the Australian out-of-competition testing programme, MS VANSTONE explained that the testing of foreign athletes would be through agreements with the authorities of the countries concerned, and 20 such agreements were already in place. There would also be 400 tests in the IOC's own out-of-competition testing programme and some athletes could also be tested under Australian legislation. ASDA would perform 4,500 tests on Australian athletes following international doping control standards. For this ASDA would be accountable to parliament and would cooperate with the International Federations. The Australian testing programme was no different from that of any other host nation.

THE CHAIRMAN was not concerned about what the Australian authorities did to their own athletes, rather about what they did to foreign athletes. Would there be an independent results management process?

MS VANSTONE repeated that the test management procedures had been agreed with the authorities in other countries.

THE CHAIRMAN asked if this meant that athletes from countries with which there was no agreement in place would not be tested by the Australian authorities.

MS VANSTONE replied that, under Australian legislation, testing of foreign athletes could take place, but with the requirement that the federation concerned be notified. Having agreements in place would avoid the need for this.

MR KOSS wished to clarify that there would be two ways for the Australian government to perform out-of-competition testing. One was through the 400 IOC tests, where the IOC Medical Commission would manage the results, involving a random selection among all athletes in all sports, with the results reported to ASDA which would not be directly involved in the process. The other was through separate agreements between ASDA and the authorities of 20 countries.

MS VANSTONE repeated that there would be the 400 IOC tests, of which the Australian government was funding 200; plus other tests in the framework of the agreements with 20 national authorities; plus the legislation in place which allowed the Australian authorities to test any athletes. The latter option was not their preferred one, however, and they would rather have everything done by agreement.

MR VERBRUGGEN wished to be clear that any athlete in Sydney for the Olympic Games could be tested by his own NOC, in the normal in-competition controls, in the three types of out-of-competition tests and in the blood tests conducted by certain IFs.

THE CHAIRMAN confirmed that this was so.

For DR ROGGE there was a short-term and a long-term issue. For the former, the perception - however unjustified - existed that the host nation had an undue advantage in terms of out-of-competition testing, as it would be testing foreign athletes and its own, and the fear was that positive results among the host nation's athletes would be covered up. There was no problem with the 400 IOC/ASDA tests, as these would follow the normal protocol with people of different nationalities conducting the tests. Nor was there any problem about nation B testing nation A's athletes in the context of the 20-nation agreement. The IOC also thought it wise to adapt the anti-doping policy and give WADA a watchdog role in the longer term, imposing an independent watchdog system on all controlling bodies and national drug agencies. This was the only way to move forward.

THE CHAIRMAN agreed that they should be working towards this in the interests of transparency.

MR KOSS supported Dr Rogge's remarks, as this issue was important from the athletes' perspective.

MS VANSTONE confirmed that the Australian authorities were aware of the perceptions mentioned by Dr Rogge: whichever nation hosted the Games, there would be those kinds of

suspicious. This was one of the key reasons for WADA's existence, and it was important to have an across the board watchdog system.

MR WALKER stressed that the principle of an independent observer was one thing, but what was important was that this observer actually played an effective role.

MR KOSS agreed that this was a key issue from the athletes' point of view. The independent observer had to be involved in all aspects of results management, and this applied to all governments.

- b) Out-of-competition testing

With regard to WADA's involvement in out-of-competition testing ahead of the Sydney Games, THE CHAIRMAN observed that they would have to rely on existing agencies to do the collection work and the IOC-accredited laboratories to analyse the samples. WADA had received a proposal from a consortium of drug testing agencies to perform a full testing programme between then and the Games on an interim basis. There were two fundamental issues to deal with here. The first was whether WADA agreed to pursue a programme of unannounced out-of-competition testing, selecting athletes from a variety of risk profiles and concentrating on sports with no out-of-competition testing programme or those which had a programme but not the resources to implement it.

The second issue was whether, in the interest of getting started and until the end of 2000, WADA was prepared to contract with the consortium which had submitted the proposal, even though no tender had been made, in order to gain time. If the Board were prepared to discuss this, they could invite the consortium to make a presentation and answer questions. If they agreed, the number of tests conducted during 2000 would obviously have budget implications for WADA.

MR SYVÄSALMI said that meetings had been held with six IFs so far in connection with this, and others would follow, as the only way to move forward was in full cooperation with the IFs.

With regard to using the consortium and the number of tests conducted, MS VANSTONE announced that Australia would not participate, as it clearly had an interest.

For PROF. DE ROSE it was logical to agree to the first and second proposals, and the numbers were a financial issue to be decided by the Board. His only question concerned results management, as there was nothing in the consortium document about dealing with a positive case.

- Presentation by out-of-competition testing consortium

MESSRS John MENDOZA and Stefan SAHLSTRÖM explained that they represented two of the four parties involved in the consortium, and had been supporting the WADA secretary in discussions with the IFs.

MR MENDOZA said that, as far as results management was concerned, the principle of the proposed programme up to the Sydney Games was to operate within the existing rules of the IFs, as WADA could not create something new, which was a longer-term challenge. The present situation was that not all the IFs had rules on conducting out-of-competition testing, so one requirement was for the IFs looking to be involved to develop an adequate policy in this regard. The consortium had already provided the IJF with a framework for conducting out-of-competition tests in their sport. A legally defensible policy framework was needed: some IFs were in the process of incorporating the Olympic Movement Anti-Doping Code into their statutes, some had already done so, and others had not yet incorporated the out-of-competition testing component.

Agreements had to be struck with each of the IFs to allow for effective delivery of the programme. These would cover the most appropriate times for testing and how to complement the in-competition testing and any out-of-competition testing already planned. It was also vital to ensure that the authority to test was in place. Unannounced out-of-competition testing would be the preferred basis of operations, but logistical challenges were involved here, and it would take some time for those IFs unused to this to provide the thorough information needed to operate thus.

The proposed programme was ambitious, covering all 28 IFs, especially those where there was currently no out-of-competition testing. They had mapped out the recommended programme for WADA to consider, and this added up to 2,500 tests. This was merely an indicative number to work towards, as it depended on striking deals with the IFs as early as possible. They believed that this could be done by the end of April or early May, so testing in some IFs could start as early as April.

MR SAHLSTRÖM added that this figure of 2,500, plus the IFs' own out-of-competition tests, made a total of 5,000, which meant that roughly half the athletes going to Sydney risked being tested.

12/4/00

This was a tremendous addition to the present situation, and the response of the IFs so far had been very positive.

THE CHAIRMAN thought it better to say that, statistically, 100% of the athletes had the chance of being tested, and by the time of the Games half would have been.

MR BESSEBERG agreed on the need to concentrate on the sports in the Sydney programme, but urged that winter and other non-Olympic sports not be forgotten. Perhaps they should therefore focus on high risk sports, as the testers would be going to different countries anyway, and this would give a good signal.

THE CHAIRMAN replied that WADA would clearly have a more comprehensive out-of-competition testing programme in the longer term, but the concern at present and over the following six months was to do something for Sydney. In the longer term, there would be more focus on winter sports for the winter season and looking ahead to Salt Lake City.

MR BESSEBERG accepted this, but thought that when the doping testers were in a country, they could pick athletes from different sports to show that nobody was safe from testing.

THE CHAIRMAN thought that this would be a good idea if the testing schedule permitted.

MR LARFAOUI asked to whom a case would be submitted in the event of a positive test.

THE CHAIRMAN replied that this would always be the IF concerned.

For DR GARNIER the key question was results management for the athletes to have confidence in the process, so it was important to have details on how the athletes to be tested would be selected. It was not acceptable to have a two-tier regime in Australia, where athletes from countries which had signed an agreement could be tested and the others could not; equal treatment was needed for all.

THE CHAIRMAN observed that the problem was that these agreements were all bilateral. However, all athletes were equally susceptible to out-of-competition testing; it was just that some countries might agree to an additional layer over the basic minimum. But nobody could force a country to enter into any agreement.

MR MOYER asked whether it was possible that some countries would not allow out-of-competition testing on their soil.

THE CHAIRMAN answered that access would have to be granted by the governments of those countries. There might need to be a "wall of shame" to publicize the names of any countries which did not allow their athletes to be tested.

MR MOYER stressed the need for a fast response. If any countries were found to be acting that way, WADA Board members had to be prepared to take bilateral action with them.

DR GARNIER asked whether WADA would retain the responsibility for ordering tests to be performed, or if it would delegate this role to the consortium.

THE CHAIRMAN replied that exactly who would be tested would be negotiated with each IF.

PROF. LJUNGQVIST said that the focus would be on those athletes likely to go to Sydney, and the rules of their IFs had to allow such testing. Experience with the IAAF's own out-of-competition testing programme had shown that, in some parts of the world, there were problems with inexperienced customs officers. As such, a big advantage of having sports and government representatives sitting at the same table was that the latter could facilitate WADA's out-of-competition testing programme.

THE CHAIRMAN noted that the experience so far had been very inclusionary, so he hoped that everyone would want to be part of the process. He asked the Board to agree to forego the normal tendering process at present, but at the end of the year to follow the appropriate procedures. He sought authorization for the president and secretary to strike the best deal with the consortium so that the out-of-competition testing programme could be put into operation as soon as possible, and ideally in April.

MR MOYER suggested making this date the end of October, i.e. after the Paralympics, rather than the end of the year, in order to avoid complaints.

12/4/00

PROF. LJUNGQVIST observed that, from the IFs' viewpoint, it was preferable for many reasons to make this the end of the year, not least because the final months of the year were exactly the right time to be performing out-of-competition tests in many summer sports, and interrupting the programme would cause problems.

MR MOYER asked that, in this case, a date be set for when a call for tenders would be made.

THE CHAIRMAN proposed that the Executive Committee be charged with putting such a process in place.

For MR REEDIE, this was a piece of very good news, but he wondered how it should be handled. As it was a complicated issue, the message should be simple.

THE CHAIRMAN replied that it would have to be, as the consortium had not yet negotiated with some IFs and nor had WADA agreed on how much money would be spent.

- c) Committee activities

THE CHAIRMAN proposed that this point be omitted, as it was difficult to say what the activities would be until the committees were actually appointed.

DECISIONS

1. The IOC Medical Commission and the members of the WADA non-working party to meet to produce the text of a Sydney Olympic Games results management process proposal which satisfies all sides, with a view to IOC Executive Board sign-off in April.
2. In accordance with the proposal submitted by the The Drug Free Sport Consortium (DFSC) and International Drug Testing Management (IDTM), DFSC and ITDM to act as service providers for an out-of-competition testing programme running from April until the end of 2000, the President and Secretary being authorized to strike a deal on behalf of WADA.
3. The Executive Committee to be charged with putting a tendering process in place to identify the service provider for the WADA out-of-competition testing programme after December 2000.

8. Appointment of committees

- Executive Committee

THE CHAIRMAN thought that, at the present meeting, the Board could appoint the whole Executive Committee and the chairs of the other committees, leaving it to the Executive Committee subsequently to flesh these out. The governments had reached consensus on continental responsibility, wanting each region represented on the Executive Committee, which would require five seats. As this seemed a sensible solution, he recommended approving this proposal and increasing the membership of the Committee from nine to 11 members. THE CHAIRMAN's mother had recommended him for the chair of the Executive Committee.

This was agreed.

MR MOYER explained that, on the Committee, the Asian group would be represented by Japan, Oceania by Australia, Africa by the Supreme Council for Sport in Africa and the Americas by Canada, with Europe making its own recommendation.

THE CHAIRMAN asked for the names of the actual Committee members proposed, not just the countries.

MR MOYER feared that it would not be possible to name names at that stage, and wanted the Executive Committee to deal with this issue. However, for Canada it would be Denis Coderre.

MS VANSTONE added that she would be the Australian representative.

MR LYNCE said that the EU sports ministers would be meeting in Lisbon in May, and would likely propose Marie-George Buffet.

THE CHAIRMAN pointed out that the Executive Committee members had to be members of the WADA Board.

12/4/00

MR LYNCE referred to article 11 of the WADA statutes which allowed for non-Board members to be on the Executive Committee.

THE CHAIRMAN reminded him that, at its previous meeting, the Board had agreed that, for an interim period, all the members of the Executive Committee would be Foundation Board members. He had no wish to see the Board at each meeting going back on decisions taken at the previous meeting.

MR MOYER said that a decision had also been made for Africa, namely Mr Ngconde Balfour, so the other two regions could be put on notice to make a choice.

THE CHAIRMAN observed that it was the responsibility of the Foundation Board to appoint the Executive Committee members.

MR MOYER asked if the Committee could hold its first meeting with two people there who were not present in the capacity of full members.

MS LINDEN recalled that the name of Ms Buffet had come out of the most recent troika meeting. But given that Europe was half represented by the Council of Europe, the final name would not be known until after the European sports ministers' meeting at the end of May. She wished to know if the WADA Board wished to stand by the decision made that all the Executive Committee members should come from the Foundation Board, and what Europe was supposed to do when it had nobody at the first Committee meeting.

THE CHAIRMAN repeated that there had been unanimous agreement about taking the Executive Committee members from the Foundation Board. He thought that the Executive Committee could hold its first meeting on the basis of the first Board meeting, if this made it easier for Europe and Asia. It just seemed strange that, after so much time, Europe and Asia could not make a decision.

MR KHANNA commented that the problem was different between Europe and Asia. For Asia, it was agreed that Japan would represent the region, leaving the limited issue of identifying a specific person. They had tackled such issues in the past using a variety of methods, and could be creative. On the premise that the Executive Committee member had to be a Board member, the choice of member was a formality. However, the Board had a second option: it could agree to appoint the missing Committee members by circulating ballot. But as he would be concerned if a region as large as Asia was not represented on the Executive Committee, he would rather pursue a creative solution. He saw the issue as a manageable problem.

THE CHAIRMAN would be happy to say that the Executive Committee member to be named would be from Japan and find a way to ratify that appointment. For Europe, they should use the most convenient method. He would foresee an Executive Committee meeting no later than May, so there was not much time to get things in place.

MS LINDEN promised that Europe would find a solution as soon as possible, but since the next WADA Board meeting would not be until during or after the Games in Sydney, would Europe be without voting rights on the Executive Committee until then?

THE CHAIRMAN assured her that if a name could be provided, it would be circulated to the Board members for approval.

MR ITO recalled that the decision that Japan should represent Asia had been taken at the Montreal governments meeting. While the perception might be that time had been spent yet a name had still not been decided upon, the Japanese government was willing to participate actively in anti-doping efforts and would ensure that the name of the Executive Committee member was notified to the Board as soon as possible. He did wish to observe, however, that he had received the agenda for the present meeting only at the last minute, so had not been able to prepare very much for it.

To recap, THE CHAIRMAN noted that the public authorities had decided on three of their Executive Committee representatives, while from the Olympic family, the athletes would be represented by Johann Olav Koss, the NOCs by Feliciano Mayoral, the IFs by Mustapha Larfaoui and GAISF by Hein Verbruggen.

PROF. LJUNGQVIST said that he would have to go back to the IAAF Council and say that he had been nominated but not elected to the Committee.

THE CHAIRMAN had assumed that the IFs had worked this out between themselves.

12/4/00

MR REEDIE wished to note Dr Rogge's request for it to be recorded that he was not a candidate for Executive Committee membership.

MR HENDERSON moved that the list as read out by the Chairman be approved as it stood.

PROF. DE ROSE seconded this.

The motion was passed with one abstention.

PROF. LJUNGQVIST observed that his intention had been to seek appointment as representing the IOC.

THE CHAIRMAN replied that the IOC President had chosen the Prince de Merode instead.

DECISIONS

1. Creation of an 11-member Executive Committee approved.
2. Appointment of Richard W. Pound, as chairman, Prince Alexandre de Merode, Johann Olav Koss, Feliciano Mayoral, Mustapha Larfaoui and Hein Verbruggen for the Olympic Movement, and Amanda Vanstone, Denis Coderre and Ngconde Balfour for the public authorities, approved.
3. The names of the proposed public authorities representatives for Europe and Asia on the Executive Committee to be submitted to the WADA secretariat as soon as they are known, for circulation to and approval by the Board members.

- b) Working committees

THE CHAIRMAN proposed that, at least *ad interim*, the chairs of these committees be members of the Foundation Board.

MR TALLBERG explained that the Athletes' Commission would be discussing this and naming those who would represent it on the different committees when it met the following week

PROF. DE ROSE was at a loss to understand where the list of banned substances would be produced and where out-of-competition testing would fit in: would both come under the Standards and Harmonization committee? If so, he would suggest adding the word "medical" or "scientific" to the title, to show that medical issues would be covered there.

MR SYVÄSALMI, who had proposed the titles for these committees, suggested changing the name of the third committee to Research and Medical, so that the list of prohibited substances would be addressed by that committee, while the Standards and Harmonization committee covered out-of-competition testing and standards for the new WADA Code, and if necessary helped the IFs develop their rules.

DR VEREEN was willing to support the idea of a Research and Medical Committee. There should also be focus on the list of banned substances and the public health consequences of doping, which was why he wanted to see the Legal and Standards and Harmonization committees combined.

THE CHAIRMAN replied that the Standards and Harmonization committee would be focusing on technical issues, while the Legal committee would be doing a lot of work on the Code, for example, which was why the separation had been made.

He agreed that, for the time being at least, the Research committee would be renamed Research and Medical. The chairs should be roughly balanced between the Olympic Movement and the public authorities, while obviously focusing on the need for expertise in each of the chosen domains. For example, Professor Ljungqvist was a logical choice to chair the Research and Medical committee, because of his expertise.

With regard to the balance of chairs, and given the issue of the availability of the public authority representatives, MR MOYER said that Canada would regard it as acceptable to have a preponderance of chairs from the Olympic Movement side of the table.

THE CHAIRMAN observed that it would be very helpful to have government representatives chairing the Legal and Standards and Harmonization committees.

12/4/00

MR VERBRUGGEN felt that it would be good to have a government representative chairing the Education/Ethics committee, as these issues had to start at a very young age, and the role of governments was important here.

MS VANSTONE proposed Mr Howman to chair the Standards and Harmonization committee as he had experience in this area.

MR HOWMAN said that he would be happy to serve in this role, but would rather chair the Legal committee.

MS VANSTONE suggested that, in this case Mr Walker could chair the Standards and Harmonization committee, while Mr Howman chaired the Legal committee.

MR HENDERSON nominated Mr Reddie as chair of the Finance and Administration committee.

DR GARNIER was troubled by the way chairs were being designated, as there had been no discussion on either side of the table. For him, the main criterion was competence in the field concerned, not balance or pro rata nomination. For that reason, he could not support Mr Moyer's suggestion to give more chairs to the sports movement. There were many experts in the Council of Europe's different working groups, so he wished to have time to put proposals to the Monitoring Group to nominate experts. He could not validate the composition of any committee at this stage.

THE CHAIRMAN stressed that the aim at present was simply to put the chair of each committee in place, not decide on the whole membership. So far, two representatives from each side had been proposed as chairs, leaving only the Ethics and Education committee.

On the subject of the required competence, MS VANSTONE felt that anyone who could survive for any length of time in the Council of Europe had to be eminently qualified to chair the Standards and Harmonization committee, and Mr Howman was a lawyer, so both of these nominees passed Mr Garnier's test.

DR VEREEN suggested that he could offer the required expertise to chair the Ethics and Education committee.

THE CHAIRMAN recapped the committee chair proposals: Finance and Administration: Mr Reddie; Ethics and Education: Dr Vereen; Research and Medical: Prof. Ljungqvist; Legal, Mr Howman; and Standards and Harmonization, Mr Walker.

MR HENDERSON proposed that the Board endorse this slate.

MR MOYER asked whether this was a *pro tem* arrangement for one year.

THE CHAIRMAN replied that it was.

The Board agreed to all the above proposals.

THE CHAIRMAN invited the newly appointed chairs to think about people whom they knew to have the necessary expertise with a view to submitting a list of proposed committee members.

MR WALKER asked what the duties of each chairperson would involve, apart from constituting each committee, the governance principles and the tasks which the committee could perform. For that, it would be helpful if the Executive Committee could establish terms of reference and a listing of priorities, as it would not be possible to accomplish every task between then and March 2001.

THE CHAIRMAN requested that each chair think about terms of reference, mandate and priorities and submit these to the Executive Committee, which could confirm the mandate, membership and mission of each committee at its next meeting.

In connection with the athlete passport plans, MR KOSS suggested that an ad hoc committee be created to pursue a pilot project.

THE CHAIRMAN thought that it would be more helpful first of all for the athlete representatives to get together with Mr Moyer to think about what a pilot project might look like. He stressed that WADA would be judged by what it did, so it was important to have good members on these committees and to work hard and quickly. The chairs should also consider the efficacy of having small committees with the possibility of calling in people on an ad hoc basis, rather than larger committees which were unwieldy and costly. They should also be thinking in terms of two two-day meetings a year rather than four one-day meetings.

DECISIONS

1. Creation of four working committees approved with the following titles: Finance and Administration, Ethics and Education, Health, Research and Medical, Legal and Standards and Harmonization.
2. The following Board members approved as committee chairs: Finance and Administration: Craig Reddie; Ethics and Education: Don Vereen; Research and Medical: Arne Ljungqvist; Legal, David Howman; and Standards and Harmonization, George Walker, on a *pro tem* basis for one year.
3. Each chair to reflect on the terms of reference, mandate and priorities of each committee, and submit these to the Executive Committee.

9. Budget for 2000

MR SYVÄSALMI gave an overview of the assumptions behind the draft budget for 2000. They knew the cost of a Foundation Board meeting, so had based the meetings figure on that. They also knew what the out-of-competition testing would cost. It was also necessary to allocate a significant amount to research and education, to show the importance of these two areas.

MR MOYER asked why there was no provision for a CEO and those reporting to him.

MR SYVÄSALMI replied that this budget was for the rest of 2000. The question of selecting a CEO was closely related to the choice of a permanent location for WADA, so it was not possible to do this in 2000 if the proper channels were to be followed. Instead, it was intended that two or three experts serve as temporary directors, acting as secretaries to the working committees, with a reserve for purchasing services on a two-, three- or six-month employment basis.

THE CHAIRMAN added that, as WADA was unlikely to have a CEO by the end of the year or early enough for this to be a significant item, there was no reference to this in the budget.

MR MOYER presumed that, in the future, this additional element would mean that the total budget would be significantly higher than the present draft budget for 2000.

THE CHAIRMAN hoped that it would indeed be much higher, not least because the public authorities would be contributing, too.

MS VANSTONE had seen some bad things happen to agencies because of inappropriate cuts, and other agencies which swore blind that they could not make any savings and then did so. For this reason, nobody should agree to this draft budget without its first being looked at and approved by the Finance and Administration committee. This was especially true since governments would have an interest in spending what was needed, neither more nor less.

THE CHAIRMAN pointed out that the draft budget was a ballpark figure based on what was known at that time. There was no obligation to spend the whole budget.

DR SCHAMASCH thought that the budget for 2001 would be around 11 million dollars. He asked the government representatives to think about funding for 2002, so that the Finance and Administration committee would know how much would be available to WADA.

MR SYVÄSALMI said that the Finance and Administration committee would discuss this, but also how to get more money in, since there were many people outside who wanted to be involved in WADA.

THE CHAIRMAN suggested that many existing government programmes in the field of education and research might be available even before 2002, and he hoped that governments would act and not wait if WADA could access such programmes. There was no need to approve anything at this stage, as the Executive Committee could consult with the Finance and Administration committee and prepare a detailed budget for the next Board meeting, and a tentative one for 2001.

DECISION

The Executive Committee to consult with the Finance and Administration committee and prepare

a detailed budget for 2000 for the next Board meeting, and a tentative budget for 2001.

10. Amendments to WADA Statutes

THE CHAIRMAN referred to the document detailing the draft proposed amendments to the Agency's statutes (Annex 9).

- a) Size of the Foundation Board

THE CHAIRMAN explained that increasing the size of the Board from 35 to 40 would provide flexibility.

- b) Executive Committee

In the same way, it was proposed that the Executive Committee membership be increased from 9 to 11.

- c) Athlete representation

This amendment would provide a constitutional guarantee for the athletes by specifying a precise number of seats on the Board.

- d) Other amendments

THE CHAIRMAN recalled that, at its previous meeting, the Board had discussed and agreed to change the requirement of unanimous consent to a two-thirds majority for any departure from the rules of articles 6.1 to 6.6, and regarding any change of site of the Agency and Executive Committee appointments.

MR MOYER noted that, at the governments' meeting in Montreal, the wish had been expressed to have a Paralympic athlete included on the Board as the 17th member on the Olympic Movement side.

THE CHAIRMAN pointed out that there were already 17 members on the Olympic Movement side, so they needed to explore how this constituency could be represented. Extending the Board to 40 members already gave them room to manoeuvre.

MR WALKER observed that the statutes also included the provision for nominating outside experts, which might be a way of overcoming the problem of numbers. At the next Board meeting, a point on the agenda could be a discussion of how to fill the new vacancies.

THE CHAIRMAN replied that, under Swiss law, the Board was not required to fill all the available seats, but he would accept this suggestion.

If the increase in membership to 40 was passed, MR AJAN recommended including the IOC Medical Director on the Board, as he had to work closely with the WADA secretariat.

THE CHAIRMAN reminded him that one of the objectives in creating WADA was to distance it from the IOC, so advice was desirable but not closeness. He suggested that he or Mr Syväsalmi be authorized to get the notary to make the necessary amendments to the statutes.

DECISIONS

1. Proposed amendments to the WADA Statutes concerning the size of the Foundation Board and Executive Committee, athlete representation on the Board and majority voting by the Board approved.
2. The Chairman or the Secretary to the Board authorized to take the necessary steps with the notary to change the WADA Statutes pursuant to the amendments agreed above.

11. Medium- to Long-Term Planning

THE CHAIRMAN proposed that they should be looking to get the Agency up to full speed; adopting a uniform Code; getting an ethics and education programme under way; obtaining ISO

accreditation; establishing a generic results management programme; and determining their final location. A new anti-doping convention was mooted in the Montreal declaration, together with harmonization of legislation, rules on trafficking and customs regulations. While the newly-created committees were perhaps the proper bodies to generate ideas, all the Board members should be thinking about areas for consideration by WADA as it became more mature. Any suggestions should be submitted before the first Executive Committee meeting and would be very helpful.

DR ROGGE drew attention to one area where government support was needed urgently, namely the proliferation of dietary aids and supplements which proved to contain the precursors of anabolic steroids, especially nandrolone. Only governments could regulate and allow the sale of these products in their countries.

PROF. LJUNGQVIST supported this request. The food supplements and herbal products market was not regulated around the world. There had long been contamination, but only now was this problem becoming visible, as top athletes had been caught out. It was not possible to say whether such doping was deliberate or unwitting, but the athletes had been warned about taking such products. There had recently been a tendency to exaggerate the problem, as the frequency of cases attributable to this had remained stable over the previous ten years, but it was embarrassing as big-name athletes were now involved. He hoped that at the next meeting they could talk about an education programme and approve the funding needed.

THE CHAIRMAN suggested that Prof. Ljungqvist talk to the chairman of the Ethics and Education committee.

MS VANSTONE said that, with regard to regulations controlling the labelling of food substances, her government was already taking action, but Australia could also advise all the IICGADS participants that they needed to respond to issues that WADA put forward.

THE CHAIRMAN noted that the IOC's current testing and methodology with regard to nandrolone were very reliable and there was little to improve. It was clear that these positive test results were not accidental, but rather because the substances detected actually worked.

PROF. LJUNGQVIST added that it was not just nandrolone which was concerned, but other substances too, such as ephedrine and caffeine.

12. Future meetings

THE CHAIRMAN proposed that the Board meet after the Games in Sydney to evaluate progress, but, as Ms Linden had said, many of the Board members would be in Sydney during the Games, so an informal meeting could be held there. He asked the members to inform the Secretary if and when they would be in Sydney. Otherwise, the next formal meeting would be in late October or early November when the results management report had been issued after the Games.

For its part, the Executive Committee would meet in May, or earlier if there were sufficient agenda items. The working committees would meet as requested by their chairs and as agreed by the Executive Committee and its chairman in order to control the funds spent.

DECISION

The next formal Board meeting to take place in late October or early November, with the possibility of an informal meeting during the Olympic Games in Sydney.

13. Other business

MR CHUNG requested that the meeting agendas be sent in advance, possibly via the Internet, to allow the representatives time to establish their position beforehand.

THE CHAIRMAN promised that materials would be sent out earlier for the next meeting.

12/4/00

- Welcome by the IOC President, Mr Juan Antonio Samaranch, 11 a.m.

The IOC President, Mr Juan Antonio Samaranch, entered the room at 11 a.m.

THE CHAIRMAN had invited President Samaranch, who was the host of the meeting, to say a few words to the Board.

THE PRESIDENT welcomed the Board members to Lausanne, Olympic Capital - a title it really deserved, given that it was the leading city in the world for sports administration, hosting the headquarters not only of the IOC (since 1915), along with the Olympic Museum, but also of many IFs. There were currently 12 Olympic IFs in Lausanne as well as IFs of other IOC-recognized sports which were not on the Olympic programme. The IOC was very pleased to host the second meeting of the WADA Foundation Board and was sure that the fight against doping, which the IOC itself had begun many years ago in 1968, could now take a new important step towards finally winning the war against doping. They had won many battles but had not won the war. He believed that cooperation between the sports world (in other words, the IOC, the IFs and NOCs) and governments was something new, and he was confident that the fight against doping could be won. There was little time to go to the Games in Sydney and he believed and hoped that WADA's presence there would be very important, working in cooperation with the IOC Medical Commission. He thanked the Board members for their support and wished them well. In fighting against doping they were also protecting the health of the athletes, which was their first obligation.

THE CHAIRMAN thanked the IOC President.

The IOC President, Mr Juan Antonio Samaranch, left the room at 11.05 a.m.

- Closing remarks

THE CHAIRMAN thanked the Board members for their cooperation and contribution to the meeting. They had accomplished a considerable amount of work, and he was sure that an effective programme would be in place prior to the Olympic Games in Sydney, and that there would be a good results management process for the Games.

The meeting adjourned at 5.10 p.m.

FOR APPROVAL

MR RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF THE BOARD