

WADA – A Success Story?

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1. The Pre-WADA Era

I am delighted to have this opportunity to speak on the subject of the World Anti-Doping Agency (WADA) and to provide some assessment regarding its accomplishments over the course of its first decade of existence, as well as to comment on aspects of its work which could probably be improved.

To get an idea of how far the fight against doping in sport has advanced, it is necessary to go back to the pre-WADA era, prior to 1999. At that time, only a few of the larger international sports federations (IFs) had anti-doping rules and programs in place, although almost all testing was done during competitions, which meant that any knowledgeable athlete or team could ensure that no one would get caught and test positive. Many of the IFs did their testing almost under protest and with great reluctance, often confining their testing activities to periodic world championships. Non-testing was often negotiated with competition directors as part of getting certain athletes to participate in competitions. The International Olympic Committee (IOC) also had a testing program, but because its jurisdiction was confined to the period of the Olympic Games, athletes subject to IOC testing were exposed to IOC tests only for a period of two or three weeks every four years. Again, because this testing was in-competition or very close to known competitive dates, very few positive tests occurred. It was the IOC which developed the prohibited list for substances and methods which became the benchmark for all sports within the Olympic movement, although not all of the substances and methods identified by the IOC were necessarily part of the anti-doping rules of many of the IFs. The IOC also developed a process for accrediting drug-testing laboratories, designed to ensure that there was at least a minimum level of scientific and technical competence applied to the analysis of any samples which were collected. Over time, the work of accredited laboratories was regarded as being of sufficiently high quality that their technical results could benefit from a (rebuttable) presumption that the analysis had been properly performed in accordance with recognized scientific standards.

Nevertheless, the practice in sports was that any biological sample was divided into two parts (referred to respectively as the “A” sample and the “B” sample) and, if the “A” sample proved to be positive, the athlete involved had the right to request analysis of the “B” sample. If that analysis confirmed the result of

the “A” sample, that was the end of the matter and the athlete would be disqualified or subject to other appropriate sanctions. If, however, the “B” sample did not confirm the results of the “A” sample, the athlete was exonerated. This resulted in a much higher standard for doping in sport than generally applied in criminal or penal matters, where there are no “A” and “B” samples, simply one, on the basis of which accused persons could be convicted and be subject to fines and/or incarceration.

It was well-known within the sport community that very sophisticated doping programs were in wide use. The classic example always used to illustrate this point was the state-sponsored, state-designed, state-administered and state-enforced program within the German Democratic Republic (GDR). Much of the data relating to this program has become publicly known and there have even been some long-after-the-fact penal cases brought against certain coaches and organizers of these programs. The sanctions imposed have been, to say the least, rather unimpressive, given the circumstances of the doping programs, the lack of consent on the part of many, if not most, athletes involved, and the fact that many of the athletes were minors having no idea what substances were being administered to them, nor the health risks attached to the usage. The results of the GDR doping programs were extraordinary and the performances of the GDR athletes put them years ahead of what might be considered “normal” progress in sport achievement. The GDR was not, of course, alone in doping activities. It is simply the scope and extent of the organized program which makes GDR stand out when one considers the history of doping.

I know that there are many in Europe who take the view that the gold medal for doping properly belongs to the United States of America, and there can be no doubt that a good deal of it took place in America, as well as in many other countries, including my own, and the rest of the developed sporting world. With approximately half of all Olympic athletes coming from Europe, it would not be statistically out-of-line to conclude that half of the doping also occurred in Europe, and that the GDR was a very small portion of Europe. The politics of the Cold War inhibited the taking of drastic action (especially when there was probably no major country without sin) and, indeed, there were no mechanisms in place to permit any reliable form of international monitoring of doping activity. Domestically, there was little incentive or appetite for exposing one's own athletes. International federations had the same reluctance to go after known offenders. In the case of athletics, in my own country [Canada], efforts to convince the International Association of Athletics Federations (IAAF) to establish serious anti-doping programs produced no results.

Charlie Francis, the coach of the notorious Ben Johnson, said that his athletes were effectively starting one metre behind doped athletes, and if the responsible authorities were not prepared to do anything about it, he was determined not to have his athletes competing at a disadvantage. So he turned into a very capable doper and we all know the results of his activities. When the IOC disqualified Ben Johnson in Seoul in 1988, we hoped that the message thus delivered might encourage both athletes and international federations to beware of doping activities. In practical terms, however, the only result was to demonstrate that the IOC would be prepared to act, no matter how important the athlete, how remarkable the record and how important the particular sport might be as part of the Olympic program. The doping itself continued. In fact it probably increased, because, if nothing else, it was all too clear that doping worked and performances were enhanced as a result.

If we go forward another decade from Seoul to 1998, we have the Tour de France. Riders and the entourages of the Festina team were found, by the French police, to be in possession of industrial quantities of doping substances and the related equipment. Because the French had a domestic law prohibiting such possession, those involved were arrested. This, for the first time, appeared to get the attention of the international sports federations. If cycling, an extremely popular sport in France and Western Europe, during the course of its blue-ribbon event, the Tour de France, could end up with its athletes and officials in jail, it might conceivably happen to their sports as well. The IOC led a movement to develop an international independent anti-doping agency, which would not be under the control of the IOC, nor of the international federations and national Olympic committees. It was clear that no one could trust international federations to monitor their own sports, national Olympic committees to monitor their own athletes, and governments to police the doping activities of their own citizens. The agency had to be independent to be creditable and had to be international because the problem of doping was international. A World Conference on Doping in Sport was held in Lausanne in February 1999. From this conference came what is known as the Lausanne Declaration, which supported the creation of what is now the World Anti-Doping Agency (WADA).

2. The Onset of WADA

The governance of WADA is quite remarkable: 50% of its Foundation Board members represent member states and the remaining 50% come from the world of sport, basically equal representation from the IOC, international federations, national Olympic committees and Olympic athletes. The International Paralympic

Committee is also represented. Government representation is divided on the continental basis, by agreement amongst governments. Financing of the organization is also provided on the same 50-50 basis. Again, governments have agreed on the continental allocations and the Olympic Movement allocates its share from the Olympic television revenues, the residual amount of which, after allocations to the Olympic organizing committees, are basically split equally between the IOC, the international federations, and the national Olympic committees.

When the agency was first established in November 1999, I was designated, through no fault of my own, as its initial president. I had no experience with anti-doping and it was not a position which I wanted, but I eventually agreed to do it - for two years - until the agency was up and running. Well, it took me almost nine years to escape, and I am still one of the IOC representatives on the WADA Foundation Board. WADA was established in late 1999 and we wanted to become active early in the year 2000, prior to the Olympic Games in Sydney, Australia, and we also wanted to perform an Independent Observer function at those Games. For far too long, the public had been encouraged by the media to believe that the IOC covered up positive tests at the Olympic Games in order not to affect or embarrass television broadcasters or sponsors. To my knowledge this never happened, but it is one thing for the IOC to make such a statement and quite another to have an independent third-party say the same thing. Strangely enough, the IOC initially resisted the idea of an Independent Observer having full access to all aspects of the anti-doping activities at the Games, including any disciplinary proceedings or hearings. We had to fight quite hard to make the IOC understand how important this function was to the IOC itself and to the credibility of the IOC. Any refusal to permit unlimited access would simply reinforce any suspicions in the public mind that cover-ups actually occurred. In the end, we got the access, the report was issued and there has never been any suggestion thereafter that the IOC failed to enforce its own anti-doping regulations.

With respect to the testing activities we intended to perform prior to the Sydney Games, when we got out in the field, we found, somewhat to our astonishment, that the great majority of international federations did not even have rules which allowed them to test athletes out-of-competition, and many had rules which did not permit targeted testing of athletes. We spent most of the early part of the year 2000 assisting the international federations to draft and implement out-of-competition testing rules. We knew our testing program would be largely ineffective as a result, because we could not get a significant number of tests done over the late summer and early fall prior to the Sydney Games, but we did want to send a message, nevertheless, that we were in business and that our work would accelerate in future. We also found a complete hodgepodge of

rules among the international federations and national anti-doping organizations. They were so confusing and inconsistent that this in itself added to the perception that nobody took the problem of doping seriously. We then set out on a very ambitious undertaking, which was the creation of a single set of anti-doping rules which would apply to all sports, all athletes and all countries. We engaged in a unique process of consultation, starting with a few federations which had experience in doping matters and other authorities familiar with the problems and then gradually expanded the circle. We studied all anti-doping rules that we could find and set about trying to create a single version. This took close to two years, endless consultations and the circulation of three separate drafts of what we called the World Anti-Doping Code. This process culminated in the Second World Conference on Doping in Sport, held in Copenhagen in 2003, where after discussion and some further minor amendments to the third draft of the Code which had been circulated, there was unanimous acceptance of the Code. Once this happened, the WADA Foundation Board immediately met to adopt the Code, then returned to the Conference, to announce that the World Anti-Doping Code now existed.

This, of course, is only half of the problem. It was of no particular import that WADA had adopted its Code. What was now required was for all of the Olympic Movement to make this Code part of their own internal rules. The Conference agreed that this would be done by the Olympic parties prior to the 2004 Olympic Games in Athens the following year. This deadline was met by all of the Olympic international federations and many of the recognized international federations as well. National Olympic committees and national anti-doping organizations also became signatories and the International Olympic Committee amended the Olympic Charter to make the Code part of its own rules. The IOC went farther, doing something it never did under the presidency of Juan Antonio Samaranch, namely, to provide that only sports which had adopted the Code could be on or remain on the Olympic program. This was the first real leverage that the IOC had ever been able to obtain with respect to international federations. Despite having this leverage, however, the IOC has never acted seriously to use it.

Having the sports movement onside was, again, only half the problem. What we needed was for governments find some way to adopt the Code so that the public authorities and sports authorities would be working off the same set of rules, something a state of affairs which had never before been achieved. Governments have, of course, their own organizational testosterone. They declared that they could not possibly adopt a code enacted by a non-governmental organization, but they also declared that they were committed to finding a solution and a document was developed, known as the Copenhagen Declaration, to reflect the political will and commitment of governments to find this

solution. The governmental decision was to negotiate an international convention under the aegis of UNESCO, which was, given the history of UNESCO's slow progress in almost any undertaking, quite risky, since governments had agreed to have something in place prior to the Olympic Winter Games in Torino in 2006. To give credit where credit is due, however, in less than 18 months the member states were able, at a UNESCO Conference of Parties in November 2005, to obtain unanimous approval of the Convention from 191 countries. Not unlike the process required by the sports community, governments then had to return home and ratify the UNESCO convention. Only after 30 countries had delivered instruments of ratification would the Convention come into legal force and effect. Since that time more than 155 countries have ratified the Convention, accounting for in excess of 95% of the world's population. This is a remarkable accomplishment on an international scale, particularly given the amount of time involved from the beginning of negotiating a convention, the content of which was largely unfamiliar to a great many of the member states involved in the negotiations. WADA was very helpful in guiding governments as to appropriate content of the Convention and, in particular, the need to have such a convention in the first place.

3. An Overall Perspective and Assessment

If one were to prepare a list of significant accomplishments in the fight against doping in sport over the last 10-12 years, they would include the following:

1. Creating the conditions under which the international sports community recognized the need for an independent organization to lead and monitor activities directed at the fight against doping in sport.
2. Developing and implementing the hybrid, but effective, governance structure for WADA, in which government representatives and sport movement representatives sit at the same table with the same objectives in mind:
3. Ensuring that the financial contributions of both government and the sports movement are equally matched, and paid.
4. Leading and coordinating the development of the World Anti-Doping Code, which, for the first time in history, created a single set of rules applicable to doping in sport.

5. Negotiating the independent right of WADA to appeal against any decisions made by anti-doping organizations which did not, in the opinion of WADA, comply with the provisions of the World Anti-Doping Code.
6. Persuading member states that all appeals against decisions on anti-doping disputes be referred, not to state courts, but to the Court of Arbitration for Sport (CAS), an arbitral body originally created by the IOC, but the governance of which now rests with the International Council of Arbitration for Sport (ICAS), an organization not controlled by the IOC. CAS now has a history of more than a quarter of a century of dealing with sport-related matters and, particularly, doping matters. Its decisions have been recognized by the Swiss Federal Tribunal as those of an independent court, to which deference in the subject matter if its jurisdiction should be granted. The supervisory role of the Swiss Federal Tribunal has been sparingly exercised, with little if any interference in substantive matters and with primary attention directed to matters such as process and the right of parties to be heard. One of the particular advantages of the CAS is that under the New York Convention, its awards are recognized virtually everywhere, unlike the awards of state courts, which apply only in that particular jurisdiction, unless there are bilateral arrangements to the contrary. In a field of activity such as sport, the ability to apply awards on an international basis is particularly desirable and, indeed, necessary.
7. WADA has been able to assemble significant funds for research in anti-doping activities. Prior to this, most anti-doping research had to compete with other medical research, arguably in fields more important than detection of cheating by athletes in sport, such as cancer, diabetes and other diseases. This research has led to the ability to detect new substances and the development of reliable tests for them.
8. Cooperation with the pharmaceutical industry has increased enormously, and confidence developed within the industry that disclosure to WADA of particular molecular structures and the development of tests for them would not compromise any commercial or patent considerations.
9. Cooperation with and sharing of information between sport authorities and government authorities has increased considerably. Such cooperation makes it possible for the sport authorities to benefit from evidence which might not otherwise be available to them as a result of the lack of jurisdiction to enter premises to seize evidence or to compel the production of evidence, all tools available to the investigative arms of government organizations. It also enables the sport authorities to act more efficiently

against doping, rather than having to rely on analytical results of tests performed one-by-one.

10. Athletes, officials, and the public at large are now much more aware that doping regularly occurs in sport, despite assurances to the contrary by officials of many sport organizations.
11. Even professional sport organizations are now under increasing pressure to adopt more robust anti-doping programs and to impose sanctions which are not merely nominal in nature, a standard practice in the pre-WADA era.
12. Sponsors are now beginning to understand that the goodwill attaching to their own brands can be compromised by doping. Several sponsors, especially in cycling, have refused to consider extending their association with teams having a history of doping. This has proven to be one of the key factors in bringing cycling to an understanding that, no matter how deeply embedded doping may be in the sport, if it does not change, the future of the sport is very much at risk. I must say that I see this as an economic, rather than moral, change in approach, but so long as the behaviour changes, one should perhaps not quarrel with the reasons for the change.
13. The number of educational and outreach programs available for the benefit of athletes, coaches and entourages has been considerably augmented and the content greatly improved.
14. Regional anti-doping organizations have been established in many parts of the world where funding and knowledge of how to conduct an organized fight against doping in sport are at a minimum.
15. Athlete engagement in the process of managing the fight against doping in sport has increased, at least to some degree.

As you can see, therefore, we have come a long way since 1999. If, at the first meeting of WADA in 1999, I had said that everything I have just recounted would be done within seven or eight years, people would have laughed at the unrealistic expectations. But we did just that. I think much of the reason for all this was that we were breaking new ground and we had a young ambitious staff at WADA which was excited at the prospect of creating something new and special.

4. Question Mark

I think, however, that there is a good reason for having a question mark as part of the title of my remarks today. The fight against doping in sport is by no means finished. Indeed, it may be safer to say that it has just begun. It is important to understand that 99.9% of doping cases, we are not dealing with accidents. Very, very, occasionally an athlete may take a contaminated supplement genuinely unaware of the risk involved. The overwhelming majority of doping cases are not accidental. They are planned, deliberate, well-organized, well-financed and often medically supervised activities which have, as their sole objective, to cheat, to gain an unfair advantage over athletes who participate in accordance with the agreed-upon rules sport, especially those regarding consumption of prohibited substances for the adoption of prohibited methods. This is what those engaged in the fight against doping in sport encounter every day. Athletes lie. Coaches lie. Support personnel lie. When caught, athletes lie even more. We have seen extraordinary, as well as abusive, attempts made to discredit tests, the activities of accredited laboratories, scientific methods and have clear evidence of manipulation of samples.

Very much as in the normal case of criminal proceedings, justice in doping today is procedural rather than substantive. Every effort is made by the defence to keep relevant evidence from coming to the attention of or being considered by tribunals. There have been some efforts, as in the celebrated case of Floyd Landis, to deliberately bankrupt the anti-doping system in sport, and this cynical effort might well have been successful, had WADA not stepped in to bankroll the proceedings.

So, what are the questions which should be asked, or observations to be made for purposes of determining whether or not WADA should be judged a success?

1. How committed are both governments and sports authorities to the fight against doping in sport, as measured by how much they are willing to support the activities of WADA? My experience is that the sports authorities in particular are unwilling to recognize the importance of and to support robust anti-doping programs. The Government members of WADA are consumed by finding ways to reduce their expenditures, rather than to increase them.
2. We regularly encounter statistical manipulation by governments. When the absolute numbers are ridiculously low, given the challenges faced in the fight against doping in sport, people point to percentages, rather than

numbers. An annual budget of US\$25 million, to cover 215 countries is miniscule. If we wish to increase a budget category from, say, \$6 million to \$12 million, the absolute amount of \$6 million, divided by two, to result in governments paying, collectively, \$3 million, is minimal. But, instead, they resort to percentages, screaming that it represents a 100% increase. This is particularly the case for governments, which, in my view, confuse, perhaps deliberately, effective programming and budget management. This put in play their real commitment to the fight against doping in sport. At the same time, all parties, both government and sport, are continually calling upon WADA to increase its activities, but they are unwilling to pay for such activities.

3. Parties, particularly the sport side of the equation, are continually looking for ways to transfer their responsibility for anti-doping activities to someone else, whether WADA or governments. They say they do not have enough resources of their own to manage the fight and resolutely refuse to recognize that doping, along with other corruption in sport, represents a huge threat to their continued existence. If the public at large, without whose financial support organize sport would not exist, loses confidence in the integrity of sport and particularly the outcome of sporting contests, sport will disappear. It has happened in the past and it could do so again. There are many other forms of public entertainment than sports and for sports authorities to ignore this significant threat represents the highest possible level of incompetent management.
4. Effectiveness of an organization, particularly an international organization like WADA, is not measured by merely "getting along." Doping in sport is not going to disappear simply because sport and government representatives have an anti-doping organization in place. This is a fight, not a communal dinner. Activities which many the parties would prefer not to be made public must be uncovered and the roles of athletes and sports officials in such activities exposed. This is not necessarily a comfortable process, but it must be done or there will be no progress. Sending a few representatives to a few meetings each year, at which there is only general discussion and some good food, does not constitute, in my opinion, a fight against doping in sport. As time goes on, the great risk to WADA is that it may become just another international organization which does not make waves, which does not rock any boats and which produces vaguely worded, unimportant, reports read by no one.
5. Many of the participants seem to believe that, having created the organization and the tools necessary to have an effective fight against

doping in sport, means the battle has been won. This is a dangerous delusion. Part of the problem is that in many cases there has been no change of attitude. The same administrations are still in place and many have no appetite whatsoever for undertaking the difficult work of changing attitudes, removing officials and sanctioning those involved in doping. All the systems in the world have no chance of succeeding unless there is a genuine desire for success. Lip service is not sufficient. We have seen that for years, in the bland denials that doping exists in a particular sport or, when doping offenses have been established beyond doubt, solemn assurances that such cases are minimal, isolated, and not reflective of what is actually occurring. No one believes that any longer. If they do, they should not.

6. In an activity, such as sport, which depends upon measurement, the parties in the fight against doping in sport have proven to be remarkably resistant to any measurement of their compliance with the World Anti-Doping Code. Part of the reason for this is that the consequences of non-compliance can, for example, have serious consequences with respect to participation in the Olympic Games. If a sport is non-compliant with respect to the World Anti-Doping Code, under the new provisions of the Olympic Charter, that sport may not be or remain on the Olympic program. A city from a non-compliant country may not be a candidate to host Olympic Games. A country should not be eligible to host world championships or major sports events (despite vigorous complaints against this provision by many IFs). Countries or sports which are non-compliant may not hold any position on the WADA Foundation Board for any committee of WADA. These are both encouragements and deterrents. WADA is required to monitor compliance on the part of all signatories of the World Anti-Doping Code. This Code was adopted effective January 1, 2004 and has been in place since that time. Seven years later, WADA has yet to issue even one compliance report, although it promises to do so before the end of this year. Add to this, that measurement of compliance is done by means of self-assessed questionnaires, in which the parties themselves declare whether and how they are compliant. No action is taken to verify such self-reported compliance. Even with this, the sport participants have regularly resisted the issuance of any such report and have used their voting powers to put off such issuance for seven years. It remains to be seen whether the IOC will have the strength of its stated conviction to a “zero-tolerance” policy regarding doping in sport and take action to exclude sports or countries which are non-compliant. The forthcoming WADA compliance report, assuming it is issued, will come out six or seven months prior to the 2012

Olympic Games in London. You can already imagine the array of excuses for taking no action. The London Organizing Committee will have prepared facilities and sold tickets for events in all sports and will have prepared venues and an Olympic Village in anticipation of the full complement of athletes and teams. It does not take much to anticipate the opposition coming from the London Organizing Committee, despite the many statements it has made regarding doping-free Olympics, were the IOC to remove one of the sports or one of the countries, especially a major country, from the Games. I predict that if it is faced with the situation, the IOC will wrap itself around an expressed concern for the athletes, who, it will say, cannot be held responsible for the failure on the part of their governments or sports organizations to comply with the Code. The overall effect, therefore, will be collective inaction. And the guilty parties will be rewarded for their non-compliance. If WADA compliance reports are not real compliance reports, and if the stakeholder parties, both sport and governments, are unwilling to act upon non-compliance, it is a fair question to ask whether there is any utility whatsoever in having an organization such as WADA in place.

7. Governments and sports authorities have accepted the principle of alternation at the level of the presidency of WADA, such that, for example, I as a representative of the Olympic Movement was replaced by a nominee of governments, and the government nominee will, in turn, be replaced by a representative of the Olympic Movement. This, in my view, is a mistake. If the organization is to be effective, it must be able to select the best qualified president at any particular time. In the same way that the Olympic Movement has decided that a formal continental rotation in respect of host cities for the Olympic Games would be a mistake and would prevent the IOC from selecting the best possible host city on each occasion, there should not be a similar form of formal rotation for the leadership of WADA.
8. While it is reasonable to expect and insist that sport rules are drafted in a comprehensible manner so that everyone knows what those rules are, decisions on those rules must be taken on the basis of a purposive interpretation of the rules. Insofar as this may relate to doping, it must be made clear that the objective of such rules is to eliminate doping in sport and to penalize those who breach those rules in a deliberate attempt to obtain an unfair advantage. It is not to find every possible excuse to enable cheaters to continue to obtain such unfair advantages. As a result of several bizarre decisions in the past, this is a matter which is being examined both by WADA and ICAS with a view to ensuring that those who

- adopt the rules and those who interpret them fully understand their respective responsibilities.
9. I mentioned earlier that justice in doping matters is becoming increasingly procedural in nature, at the expense of the substantive aspects of doping. Many recent cases of doping have involved extremely well-financed oppositions, some government-financed and government-supported, for whom money is no object and for whom the sole objective is to find some technicality on which the doping sanction may be overturned.
 10. We have seen, in addition, increasing numbers of appeals to state courts and even to the European Court of Justice, all of which are attempts to destroy the agreed-upon arbitration mechanism for resolution of doping-related disputes. Some of the decisions of the state courts are truly aberrational and antithetical to the international nature of sport itself, especially since they are unenforceable except in the jurisdiction in which they are rendered. Because these tactics breach the agreed-upon rules and the dispute resolution provisions (which governments have accepted pursuant to the Convention), I believe that WADA and, indeed, ICAS should be increasingly willing to intervene in such proceedings, even if only to draw the attention of those courts to the international system which is in place, to the UNESCO Convention and to the World Anti-Doping Code to which the litigious parties are signatories, so that at least the state courts, when considering whatever matters have been brought before them, will not be making their decisions in the absence of proper information as to the context in which those decisions will be rendered.
 11. I believe that, as a group, athletes have not been nearly as effective in the fight against doping in sport as they can and should be. Athletes are the ones most directly impacted by doping in sport, either as actors or victims. They know when they are competing against doped athletes. They know who those athletes are as well as who their coaches may be. But they have subscribed to the principle of *omerta* and have remained silent. The sports organizations of which they are part have encouraged such a response and have treated the so-called “whistleblowers” very harshly and isolate them within the sport. Athletes need to tackle this issue seriously and to propose solutions which will enable their knowledge to get the attention of those managing the fight against doping in sport. Thus far they have been completely ineffective in developing such proposals, let alone encouraging their colleagues to address the problem in a constructive manner.

12. Over the past two or three years the provisions of the World Anti-Doping Code and the conduct of the fight against doping in sport by WADA have been impeded by a series of unfounded, but consistently advanced, complaints on the part of European governments regarding purported violations of data protection legislation, including on the basis that similar requirements in Canada, where the headquarters of WADA are located, do not comply with comparable European standards. This has been complete nonsense, but has consumed inordinate time and resources which would have been much better spent in the fight against doping in sport than in the fight against bureaucratic interference. I am, for example, acutely aware that our minutes contain countless European government references to compliance with European rules, the importance of European leadership and the non-acceptance of the presidential nomination process in which the European candidate withdrew prior to the selection process. I am unaware of a single positive suggestion for improvement of the fight against doping in sport coming from the same sources. I leave it to you to conclude what may be the implied message.
13. I mentioned earlier that false positive tests are something we hope and try to avoid. No one wants to punish an innocent athlete. Equally dangerous, however, are false negatives. The laboratory accreditation system is designed to minimize this risk, but there can be no denying that some laboratories do not want the complications of positive results, if it means having to justify their findings and it may be a temptation not to report all positive results.
14. It is not always clear whether even accredited laboratories are testing for the full menu of prohibited substances and there has been considerable resistance to disclosure to WADA of their arrangements with IFs and other anti-doping organizations.
15. Team sports have resisted adopting standards that are the same as those applicable to individual sports and the result is a substantially lower effective threshold for team sport athletes.
16. Advance information about out-of-competition tests can enable athletes to miss a test (as opposed to the more serious refusal to submit to a test) by not being where they said they would be. Several tests may be missed before an anti-doping rule violation occurs.
17. Government interference with investigations can compromise (and has done so) their effectiveness.

18. The reluctance of certain countries to deal with doping offences and related offences puts their credibility at risk. The recent spectacle in Greece regarding the prosecutions of Konstantinos “Kostas” Kenteris and Ekaterini Thanou is a perfect example. Imagine a prosecutor, who has secured a verdict of guilty, then arguing before an appellate court that the prosecutorial burden had not been discharged. It is ludicrous and should be a huge embarrassment for Greece.

In summary, therefore, there are issues to address and serious dangers to the effectiveness of WADA, perhaps even to its continued existence. There are serious risks to the future of sport if these same issues are not resolved.