

WADA Think Tank

Summary of Discussions and Outcomes

*20 September 2016
Lausanne, Switzerland*

The World Anti-Doping Agency convened a Think Tank on 20 September 2016 in Lausanne, Switzerland. This being the first in a series of multi-stakeholder Think Tanks, three initial areas were addressed under the theme *“Addressing challenges to the current anti-doping system”*:

1. Preventing corruption and bribery practices in the anti-doping process;
2. Implementing Consequences of Non-Compliance; and
3. Reviewing WADA’s Governance and Funding Structure.

In addition to its own Executive Committee, a number of outside speakers, panelists and participants were engaged and presented provocative and challenging ideas as to how WADA can improve upon its current activities and constitution. Participants exchanged in a collaborative manner and agreed that there is a need to solidify WADA as the worldwide regulator for doping in sport and its fundamental role in sport.

Participants discussed and agreed on the need for:

- 1. Centralized World Anti-Doping Code (Code) compliance monitoring by WADA with proportionate and graded sanctioning powers. This would include more funding to ensure that regular auditing of Code signatories is being conducted and that the Agency is able to impose fines on non-compliant organizations.**

WADA needs to have the ability to apply sanctions for non-compliance. Sanctions must be proportionate, reasonable, graded and published so that they are well-known in advance. Work needs to be done to establish such guidelines, as well as the criteria needed to return to compliance. Support to regain compliance is an important part of the process.

WADA in consultation with its stakeholders will likely need to revise the Code and Standards to enable WADA to implement consequences to ensure the program is effective.

It was also discussed and agreed that WADA should be in a position to impose significant financial penalties. However, a blanket one size fits all system, would not be feasible and a system taking into account the financial capabilities and the circumstances of each situation needs to be developed while ensuring that the penalties remain somehow predictable.

In principle, the concept of stakeholders being required to remit payment for auditing was supported, as was the requirement for non-compliant organizations being required to meet the full costs for an interim anti-doping organization (ADO) to continue conducting activities whilst the said ADO were in the period of non-compliance. For example, having a foreign NADO assuming anti-doping activities in a country during the period of non-compliance of the local NADO.

The forum noted that WADA, with its partners, needs to continue to assist in building capacity. Sanctions should be the last resort.

With the implementation of any form of consequences program, a right of appeal must be provided for.

2. Enhanced WADA Investigations with increased funding and further cooperation with law enforcement and Government authorities.

The role of investigations in anti-doping has evidently become an integral part of the system. Appropriate funding to carry out robust investigations is required. In case wrongdoings are unveiled through investigations, a system whereby those who are being investigated are required to meet the full costs should be considered.

Collaboration with law enforcement and Governments is fundamental to achieving success in the conduct of investigations. WADA already has a Memorandum of Understanding (MoU) in place with Interpol and the World Customs Organization (WCO) and should continue to invest in building relationships with law enforcement agencies around the world. Only WADA with its hybrid structure can represent a credible bridge between Sport and Law Enforcement.

As a matter of governance it was also suggested that a policy should be put into place whereby the WADA Investigations Department would be allowed to keep information confidential from all other Departments within the organization and have the ability to act on information as necessary and appropriate. Only upon completion would the Investigation Department report to the Executive Committee or WADA Director General for example.

3. A comprehensive whistle-blower policy and program that provides greater assurance to those that come forward with valuable information.

Such a policy and program would prompt/encourage Athletes and the greater anti-doping community (National Anti-Doping Organizations, National and International Federations, Laboratories, Coaches/Support Personnel, the public etc.) to come forward with relevant information. A legal framework would need to be considered in support of the program, and to incentivize whistleblowers to come forward.

Support to whistleblowers is necessary and the scope of such support needs to be pre-determined and made available in advance through the policy. Financial support is not necessarily the only form of response being sought from whistleblowers; WADA needs to think broader and creatively. Equally important is to indicate to whistleblowers the limitations of what WADA can offer to protect them.

The grades of information can be vast and need to be considered. A balance between "all or nothing" needs to be achieved. WADA must be able to act on the information it receives and ensure whistleblowers that they have been heard. WADA needs to promote and enable trust in the system.

WADA must take the lessons learned from recent events and use them in developing a robust whistleblower program.

4. An improved Doping Control Process by Anti-Doping Organizations worldwide, which would include increased training for Doping Control Officers with mandatory audits.

There are weaknesses in the current anti-doping system. Compliance monitoring will assist in identifying where these weaknesses are recurring across sports and countries. Cultural and political influences are resulting in corrupt practices.

The compensation given to Doping Control Officers needs to be reflected more appropriately in terms of the responsibilities they have in the process.

The system is currently too predictable and changes might be required.

Accreditation of ADOs, in a similar way to the accreditation of WADA Laboratories could be a consideration.

Training plays an important role in improving the process, and likewise, an auditing system could assist in the development of more vigorous programs.

The notion of corruption played a key part in the discussions on an improved anti-doping process. WADA needs a system to detect corruption at any stage of the anti-doping process, be it at the planning, sample collection or analytical stages etc.

Anti-corruption indexes were referenced as useful tools to aid in determining where WADA could focus its efforts in identifying corruption. It was suggested however given the specific nature of WADA's work; it should develop its own Anti-Doping Corruption Index rather than rely on existing indexes which might be largely generic.

5. A more rigorous WADA-accredited laboratory monitoring process and stronger requirements for the autonomy of laboratories.

The participants overwhelmingly confirmed that WADA must maintain its accrediting and monitoring role vis-à-vis anti-doping Laboratories; it is the only organization that can do this. The current audit system must however be improved and enhanced. It is important that WADA include the Laboratories and the World Association of Anti-Doping Scientists and integrate them into the process of monitoring.

Laboratories need to have operational and financial autonomy, and financing needs to be stable.

Laboratories should not be punished for the non-compliance of their National Anti-Doping Organization.

It was determined that a Working Group would need to be established in order to consider and assess the concept of "Super Labs" (fewer laboratories). Whilst the idea had been discussed previously by WADA, it was now time for a well-measured recommendation to be brought forward.

6. Agreement by the Sports Movement and Governments that WADA is the regulatory body, which governs all anti-doping activities; and, that the Agency requires increased contributions to support its enlarged scope.

The forum repeated the need for extra funding to enable the required work of the Agency. Its current mandate, which has evolved considerably over time, and particularly with the current World Anti-Doping Code (2015), outweighs the presently available annual budget.

A suggestion was made that the Agency should start with a blank page, outlining what activities it needs to carry out and what budget it needs to efficiently and effectively accomplish these undertakings. If the funds are not available, the process will illustrate the breadth of what the ideal Agency could otherwise realize. The Agency is currently trying to stretch the funds it has available far wider than it was ever mandated to do almost 17 years ago. Even if it cannot obtain more appropriate levels of funding, at least the exercise will highlight the realities the Agency faces.

7. Governments to embrace the legislative commitment through the UNESCO International Convention against Doping in Sport.

The potential strength of the UNESCO International Convention against Doping in Sport needs to be utilized and promoted in support of WADA. WADA needs to embrace the legislative commitment of Governments through the UNESCO Convention and work with them to establish conditions for non-compliance.

The Council of Europe has a compliance program in place to which Governments are already adhering to.

8. Further discussion aimed at strengthening WADA's governance model.

WADA must be the worldwide regulator. Several ideas were raised by the forum for consideration in reaffirming the mandate of the Agency.

The process of reviewing the Agency's structure need not be a revolution, but an evolution.

Consultation and engagement with WADA's stakeholders is required to consider the most appropriate changes to the governance structure. The Statutes of the Agency

will need to be reviewed and adjusted to enable the change that is deemed to be required.

Several ideas were suggested, which would need proper consideration and further discussion, perhaps by a dedicated Working Group.

- WADA should be first looked at as “Regulators”, not as a representative of Sport or Government. The governance model should come from regulatory bodies, not from the corporate world.
- An independent (or external) President, without a position in Sport or Government. Someone without a loyalty to another related organization. Thorough vetting would be required however.
- Enhanced (best practice) transparency and independence. Total independence might be hard to achieve, but “as independent as possible” should be the aim.
- Term limits installed by Statutes, for members of the Board, the Executive Committee and the Committees.
- More athlete representation (possibly also player unions), as well as the inclusion of other stakeholders such as NADOs and Laboratories.
- Reduction in the number of members on the Executive Committee and the Standing Committees.
- Global inclusion is absolutely necessary. Governments need to ensure active representation from all continents and be cognisant the decisions being taken are not always one-size fits all.
- Clearer distinction between the roles of the President and CEO (Director General); reflected in the Statutes.
- Standing Committee Chairs should be independent.
- The roles of the Executive Committee and Foundation Board might need to change.
- The authority of the Executive Committee might need to be enhanced, with more independence given to Management.
- The frequency of meetings could be considered; more frequent Executive Committee meetings and one annual Foundation Board meeting, where additional stakeholders could also participate and contribute.

A broader, more detailed discussion on the current model of matching funds between the Stakeholder groups should be undertaken. Additional new sources of funding need to be seriously considered. It was noted that memberships to WADA’s governing structure should not however be linked to funding.

WADA will hold additional Think Tanks in 2017 with participation from an even wider stakeholder base. The Agency will look to hold such forums in other regions of the world in order to capture and benefit from the diversity of its make-up.

Upon completion of the Think Tanks in 2017, WADA will carry out stakeholder consultation starting in 2018. This consultation process will make concrete recommendations, which will be discussed and approved at the World Conference scheduled for 2019.