Anti-Doping Reform – Proposals from the Coal Face

Play the Game 2017 Eindhoven
Joseph de Pencier, CEO iNADO
The Current Dynamic

• WADA as regulator
  • McLaren Reports and other investigations

• Leadership of anti-doping:
  • sport doctors / scientists → lawyers / professional administrators →
    police officers / investigators → athletes themselves?

• Work of investigative journalists (revealing state-sponsored
  / private sector doping)

• Independent Testing for IFs
  • But is the ITA independent? Why just testing? Why not an
    authority under WADA oversight?

• Athletes‘ Charter of Rights

• NADO Reform Proposals
The Current Dynamic

- NADOs do the majority of anti-doping
  - Prevention activities, investigations, samples, TUEs, public advocacy
- NADOs provide national AD programmes that permit NOCs, NPCs and NFs to demonstrate Code compliance (with IOC, IPC and IF requirements)
  - NADOs regulate the Code compliance of national sport bodies
- NADOs provide AD programmes for MEOs (Sydney 2000, Vancouver 2010, Glasgow 2014, PyeongChang 2018, Gold Coast 2018, Tokyo 2020)
NADO Leaders Meetings

• Copenhagen August 2016
• Bonn October 2016
• Dublin January 2017
• Denver September 2017
• Bonn January 2018
NADO Reform Proposals

• Independence, transparency, oversight, resources
• Remove structural conflict of interest in anti-doping governance (especially for WADA), improve oversight
• Equip WADA to deal with catastrophic anti-doping failure (not just technical non-compliance)
• Sport movement to match what governments spend on anti-doping (€ 100s of millions annually world-wide)
• Independent anti-doping internationally
• Russian exclusion until doping culture fixed
Anti-Doping Governance

• “Behind every sporting scandal is a failure of governance.”
  • Dr. David Hughes, CMO, AIS, Tackling Doping Sport 2016

• Conflicts of Interest
  • WADA independence: reduce / eliminate structural conflicts of interest (WADC 2009 Art. 20.7.8: WADA authority for “facilitating inquiries and investigations”)
  • ITA governance (its governing Board)
  • Ministerial interference (Australia 2012-2014)

• Transparency
WADA Oversight of Code Signatories

- ISCCS adopted for April 1 2018
  - How would Russia have been / will be treated?

- But:
  - Non Anti-Doping Organisation (ADO) Signatories remain beyond WADA’s direct oversight (ITA, CADF, AIU, etc.)
  - No sanctions (yet) for the directing persons of ADOs that fail to do their jobs or even corrupt anti-doping
  - No plan for monitoring WADA's own Code compliance
  - No plan yet to enforce Signatories required to monitor and enforce Code compliance by their members / recognised bodies (for example, IF oversight of NFs, IOC oversight of NOCs, IPC oversight of NPCs)
Independent Testing for IFs

• Principle long-proposed by NADOs, and more recently by IOC
• Independent anti-doping / integrity units
• Leverage leading NADOs
• Capacity to assist “non-compliant” ADOs
• “Full-Service” not just sample collection (especially expert test planning, sharing I&I, results management)
• WADA oversight, not WADA operation
Exclude Russia Until Confidence Regained

• Athlete strict liability to be matched by national (and sport organisation) strict liability
  • Treat organisations as robustly as individuals
• Sanction organisations for anti-doping omissions, negligence or misconduct
  • Recognise and accept that organisational sanctions impact individual members – and that it is only the fault and responsibility of the negligent or villainous organisations themselves that they cause such collateral damage (why penalising the directing minds so vital)
• Monitor Russian compliance – “walk the talk”
Promote the Athlete Role

• Enfranchise athletes
  • Need more than NADO Athlete Committees / cooperation with independent national athlete organisations
  • Self governing profession model (like law, medicine, etc.)
• Strict liability for athletes requires strict liability for ADOs – which have greater duties
• Many athletes still look to investigative journalists and not ADOs to report doping
• FairSport (support for those who report doping)
• Athletes’ Charter of Rights (with substance)
• WADA Athlete Anti-Doping Forum May 2018
Clean Sport Together