

Institute of National Anti-Doping Organisations (iNADO) Board of Directors' Response to International Olympic Committee (IOC) Declaration of March 16, 2017

Bonn, Germany – March 23, 2017

The aftermath of the Russian doping scandal has presented a once-in-a-lifetime opportunity to reform and strengthen global anti-doping governance. And while it is fair to say that not every anti-doping stakeholder agrees on a best path forward, National Anti-Doping Organisations (NADOs) around the world welcome the ongoing discussion. Diverse stakeholder input is necessary to create and sustain an environment where every athlete can have confidence in their opportunity to compete clean and win.

However, with the PyeongChang Olympic and Paralympic Games now less than 11 months away, the moment for meaningful reform is fading fast. It is with that sense of urgency in mind that the iNADO Board of Directors is compelled to respond to the International Olympic Committee's March 16, 2017 "12 Point Declaration" of its Executive Board.

Strengthening WADA Requires Giving It True Independence

- In its Declaration, the IOC Executive Board acknowledges the merits of a stronger and more independent WADA. This aligns with the reforms outlined by NADOs in the [Copenhagen Reform Proposals](#) of August 30, 2016.
- For example, the IOC notes that WADA must be "free" from the influence of sports organisations, and that WADA should have both a "neutral" President and Vice-President who have "no function in any government or governmental organisation or in any sports organisation." These statements reflect an important agreement among all stakeholders including the IOC that sport can no longer be entrusted to both promote and police itself. The inherent conflict of interest is too great.
- Despite this position, the IOC goes on to declare it needs equal representation on the WADA Foundation Board and Executive Committee, and to rationalise why real independence is not possible – essentially arguing for maintaining the current system, which has repeatedly failed to make the rights of clean athletes the primary concern.
- The inconsistency of messaging from the IOC on the matter of independence of WADA is confusing. If it is serious about empowering WADA to be free from the influence of sports organisations, the IOC must step back from its efforts to maintain its operational influence.
- If the IOC is sincere about meaningful change and independence, the Copenhagen Reform Proposals outline the appropriate role of sport in global anti-doping practices. Most importantly, the reforms have found support in petitions signed by hundreds of athletes, as

well as the endorsement of sports organisations, including National Olympic Committees that recognise WADA cannot be fully effective until sport influence is removed from WADA's governance. Notably, at its recent Annual General Meeting, the 67-Member iNADO reiterated its resolute commitment to the global reforms outlined in the Copenhagen Reform Proposals.

If Malevolent “National Interests” Exist, Confront Them

- IOC representatives have used the term “national interests” to suggest that it is in every country's interest to dope their athletes for international competition in order to win medals. This premise is indefensible. The vast majority of nations and athletes are fully dedicated to protecting public health, upholding the rules of sport and national laws, and meeting the obligations of their international treaties, e.g. the UNESCO Convention Against Doping in Sport.
- We have witnessed the singular Russian example of “national interests” subverting sporting integrity in the absence of the commitment to clean sport. Should this ever happen again, an empowered and a vigilant WADA, with sanctioning powers of its own, would be able to deal effectively with such a situation.
- Sadly, faced with the greatest example of “national interests” subverting clean sport in the history of the modern games – the misconduct of Russia – the IOC has yet to respond with any form of meaningful national sanction. Why did it not ban Russia outright until that country gets its anti-doping house in order, as WADA recommended? If there are other instances of “national interests” perverting sport, why does the IOC invite those countries to participate in the Olympic Games? The IOC concern for “national interests” is not constructive and distracts from the more important matter of achieving WADA independence, empowerment and adequate resourcing.

Independent Testing Authority: A Global Testing Bureaucracy?

- The iNADO Board agrees with the IOC that international sport needs independent anti-doping. But it is our strong belief that true reform in global anti-doping efforts does not require the implementation of the IOC's proposal for a single new massive, top-down global testing bureaucracy. Practicality aside (and it is a very large aside), the risk is that a monolith consolidates control without appropriate checks and balances. Better basic adherence to the fundamental principles of “independence” as outlined in the Copenhagen Reform Proposals. It would be far more timely, cost-effective and efficient to invest in current independent anti-doping capacity than to spend tens of millions on an entirely new body that preserves a conflict of interest.
- Creating a large-scale bureaucracy that values minimum standardised testing criteria over a localised, intelligence-based testing model that prevents doping, would be a significant step backwards for clean sport. While simultaneously professing a commitment to

“independence,” the IOC is attempting to drive how the new system will be constructed. This again is emblematic of the IOC’s reluctance to relinquish control of international anti-doping efforts.

- There is huge value in empowering WADA to be a strong global regulator that can oversee NADOs and all other anti-doping organisations, hold them accountable, and ensure that athletes who come from countries without the political will or ability to implement effective national anti-doping programmes are still being held to the same high standard.

Sanctioning Authority Should Not Rest Solely with the Court of Arbitration for Sport

- The IOC cites “separation of powers” as the rationale behind removing all sanctioning power from anti-doping organisations and handing it solely to the Court of Arbitration for Sport (CAS). It is noteworthy that the President of the International Council of Arbitration for Sport (ICAS), the body responsible for the administration and financing of CAS, is also an IOC Vice-President. More inconsistent messaging from the IOC of the kind that confounds efforts at constructive reform dialogue.
- CAS is an adjudicative body and, when it is needed, an appellate body. It already has the authority to oversee all sanctioning decisions (including those not to impose sanctions) under anti-doping programmes that comply with the World Anti-Doping Code. In the majority of current cases, CAS is not needed because sanctioning decisions are sound. The IOC would “throw the baby out with the bathwater” by massively expanding CAS’s remit when the evidence is that replacing the existing system is not required. Relying solely on CAS in all cases from all countries and all sports would result in inefficiency and exorbitant costs. It is difficult to see how this would serve the rights of clean athletes.

Despite these differences, we still genuinely believe that with a truly independent WADA, with strong and independent NADOs, and with international sports organisations that are committed to removing themselves from critical anti-doping functions, the future of clean sport is bright. To discuss and reach a better understanding of these points with the IOC, NADO leaders have for months been seeking a meeting with IOC President Thomas Bach. If we continue down the path we are currently on, without proper anti-doping reform, we risk losing once and for all the faith of clean athletes, and with them, the spirit and promise of the sports we love. We believe the IOC can, and must, do better.

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**iNADO is the Institute of National Anti-Doping Organisations.
It promotes best practices by NADOs and is their collective international voice.**