

**Address by the Hon. John Fahey, AC,
President**

World Anti-Doping Agency

To The 33rd Asian Racing Conference

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Drugs & Sport: The Ongoing Struggle

Thank you for your very kind invitation to participate in this Conference.

I am conscious today that doping in your sport generally relates to thoroughbreds although it is not inconsequential that the riders of those thoroughbreds must also be considered, but before specifically making some comments on doping in the racing industry, I would like to deal with the subject of doping in sport more generally and the evolution and role of the World Anti-Doping Agency over the past decade.

Some of you may ask - why is it important to fight against doping in sport?

The answer is because sport is a humanistic exercise that is based on certain ethical principles, as well as the health of those who practice it, and which centers around the joy and results of effort. The ethical principles include respect for the rules of the game, respect for one's fellow competitors, respect for the impartial officials who apply the rules, fair play, renunciation of violence, self-discipline, teamwork and, ultimately, self-respect.

Achievement in sport, no matter what the level, whether at school or in the Olympic Games, should be a matter of intense personal pride and accomplishment, not something that has been accomplished by cheating.

One of the rules of sport now is that the participants will not use certain substances and methods for performance-enhancing purposes. The genesis of the original rule was a medical concern for the health of those who were using the particular substances or methods.

They increased the risks of major damage to health and even death. Over time, the rules have expanded to include preservation of the ethical aspects of sport as well as the health of athletes. There is now a well recognized list of such substances and procedures that are prohibited. These rules are just like any other rule of sport, such as the number of players, equipment, scoring and so forth. There are often discussions regarding what should or should not be on the List and, as a result of its annual review, there are changes made to the List from time to time. That is a useful process and allows sport to take advantage of the increasing scientific knowledge that is improving each year.

But the most important factor is that, whatever the List may be at a particular time, it represents the agreement among participants in sport regarding the rules that apply to our common activity. That is our contract with each other: we agree that we will not use those substances and methods. If you and I are competing, I am entitled to expect, and to insist, that you will follow our rules. You are entitled to the same expectation of me. That is our deal.

You have the full freedom to choose, if you do not like or do not agree with the rules, not to participate. But, if you decide to participate, you must accept them. If you reject our mutual agreement, you should lose your result and be removed from the competition that you have tainted by your behavior.

It seems to be part of human nature that there will always be people who refuse to respect the rules, whether in society in general or in sport. That is why, in society, we have a system of police, courts and prisons. That is why, in sport, we have officials who enforce the rules, a system of sanctions for those who cheat by doping, and a system for resolving any disputes regarding application of those rules.

Doping in sport is not limited to specific sports, nor to specific countries. It is an international problem. No sport and no country is immune from the risks of doping. Equestrian sport has had its own share of doping cases. I think in particular of the cases uncovered by the International Equestrian Federation at the 2008 Beijing Olympic Games, which involved the administration to horses of substances prohibited by the Federation.

The solution to doping in sport therefore requires an international response. The same rules must apply to all in a sport, no matter where they come from. It is no solution to the problem if athletes from country "A" who compete fairly compete with doped athletes from country "B." Nor is it an answer if an athlete is banned in one country but allowed to compete in another.

Early efforts to deal with the challenge fell well short of success. A few international sports federations, including athletics and football, had rules, but no practical means for enforcing them.

The International Olympic Committee adopted rules to prevent doping during the Olympic Games, but recognized that these were in-competition tests only and that the Olympic period occurred for only two weeks every four years in both summer and winter sports.

For three years, eleven months and two weeks out of each Olympiad, athletes trained and competed under the jurisdiction of their international and national federations and the IOC had no ability to control such activities. Nor, for some reason, did the IOC think, at the time, that it was feasible to use its leverage of insisting that as a condition of inclusion in the Olympic Games, all Olympic sports Federations and all National Olympic Committees must have effective anti-doping programs.

Another difficulty in the early years was that anti-doping programs require funding, for tests, for research, for administration of the programs. The Olympic Movement, including the IOC, International Sports Federations, and National Olympic Committees, prior to the major television contracts and marketing programs that now exist, did not have the resources necessary to

support vigorous anti-doping efforts. Nor was there, to be fair, much concerted interest in tackling the problem.

Most International Sports Federations preferred to close their eyes to the doping and to perform a few tests during major events such as world championships, even while recognizing that this was more of a public relations exercise than an effective way of preventing doping. Governments, on the other hand, were content to operate under the banner that doping in sport was a matter for sport administrators.

Eventually, it became clear to everyone that there was a serious problem and that it was not being actively countered within the sport movement.

The first challenge in finding an international solution to the scourge of doping was to have everyone involved acknowledge that the efforts to date had not been successful and that there was a general perception that such efforts were clearly insufficient. The next step was to acknowledge that the public had no confidence that uncoordinated actions could ever lead to a solution and no confidence that there was a will to do so.

No one trusted the component parts of the international sport system, or even governments, acting alone, to do what was necessary to stamp out the practices that had been allowed to build up over a period now measured in decades. A new approach was required.

The seminal event that gave rise to the new approach was the Tour de France cycling scandal in 1998, where one of the participating teams had been found by the French police to have significant quantities of doping materials in its possession.

A World Conference on Doping in sport was convened by the International Olympic Committee in Lausanne, in Switzerland, in February 1999. All governments were invited to participate. In the Lausanne Declaration approved by the Conference, the participants called for the creation of a new independent international anti-doping agency.

What was different about the new agency was that it was to be composed and funded in equal parts by the sport movement and governments of the world, meaning that no single organization was in a position to control its operations and policy.

This unique hybrid organization called World Anti-Doping Agency came into existence in November 1999 as a private foundation created under Swiss law and began its operations in early 2000.

The initial short term objectives of WADA, were to manage a program of unannounced out-of-competition testing on behalf of the Olympic International Sports Federations, in the lead-up to the Sydney Olympic Games, and to organize an Independent Observer mission for the same Games to release an independent report on doping control activities during the Games.

The next mandate for WADA was to harmonize the jungle of anti-doping rules that existed among the various organizations. This was achieved through an extensive consultative process involving every Olympic International Sport Federation, every National Olympic Committee, every government, every National Anti-Doping Agency, athlete groups, including the IOC Athletes Commission, every accredited laboratory and any organization that had any interest or expertise in such matters.

Finally, a Second World Conference on Doping in Sport was convened in Copenhagen in March 2003.

The Copenhagen Conference brought together some 1,200 participants, including more than 80 governments of the world, plus representatives of all the bodies previously consulted.

I should mention at this point that the racing industry in some countries wanted to be involved but the founding fathers of the WADA Code decided it would be inappropriate to include racing with all the dangers involved with betting and the difficulties relating to the testing of animals.

At the conclusion of the Conference, participants unanimously expressed their approval of the Code, which was then unanimously adopted by the WADA Foundation Board. There was now a Code in existence, something that had never before existed, to be applied by all parties. International Federations' representatives agreed that each would then act to make the Code part of their own internal anti-doping rules, so that it could be applied in practice, and they undertook to do so not later than the Opening Ceremony of the 2004 Olympic Games in Athens. Government representatives undertook to do the same prior to the Opening Ceremony of the 2006 Olympic Winter Games in Torino.

The outcome, the World Anti-Doping Code, was a single set of rules that apply to all sports, all athletes and all countries.

There is a single List of prohibited substances and methods for athletes, a single process for the accreditation of laboratories, a single set of sanctions, a single set of laboratory standards and a single set of rules for the arbitration of disputes, with the final appeal being before a single arbitral body, the Court of Arbitration for Sport.

Governments decided that the best legal mechanism for them to adopt the Code as the basis for their fight against doping was to engage in an international Convention, an agreement between governments, and elected to proceed under the aegis of UNESCO for that purpose. With technical assistance from WADA on the subject matter of anti-doping, the governments negotiated the terms of the UNESCO Convention on Anti-Doping in Sport.

This Convention was drafted in world record time, then adopted at the General Conference of Parties in Paris in October 2005 in a unanimous vote by all 191 countries represented. The Convention took effect in February 2007.

To date, 136 governments have ratified the Convention, covering more than 90% of the world population. There is still some way to go to have the remaining UNESCO Member States formalize their process. But while this may seem to some to be a rather cumbersome and time-consuming process, by international intergovernmental standards, it is actually astonishingly quick.

By comparison, a similar Convention, dealing with protection of the rights of children, took 10 years to take effect.

The fight against doping in sport is far from over, but we now have all the parties concerned with the fight against doping in sport at the same table, at the same time and with the same commitment. We have an active and well-organized independent international agency in place to coordinate and monitor anti-doping efforts.

Does it mean that we are winning the fight against doping in sport?

I believe we are on the right path. I believe that, by federating the strengths of its stakeholders and by leading the global harmonized fight against doping, WADA has made a huge difference in its ten years of existence. We in fact celebrated our tenth anniversary five months ago. And I believe that, with the commitment of all those involved in this fight, we can continue to keep the momentum going forward.

But for that to happen in the ever evolving context of doping, we need to constantly look for new ideas and strategies.

Let me give you a few examples of how, under WADA's leadership, the traditional anti-doping model has evolved from a strategy focusing only on the athlete and relying mainly on testing, research and education, to a new kind of model incorporating the athlete's entourage and the upstream elements of doping.

WADA is now actively engaged in -

- combating production and trafficking of illegal substances;
- early detection of potentially performance-enhancing substances in development in cooperation with pharmaceutical companies; and
- evidence and information gathering and sharing between law enforcement and the Sport movement.

The governmental contribution to the fight against doping in sport is far more than the simple ratification of a United Nations endorsed Convention. Throughout the world, more and more governments have received the message that doping is wrong and is a major threat to greater public health. They are legislating, establishing and funding anti-doping organizations. They are combating rogue manufacturing, marketing and trafficking of illegal substances.

I am encouraged by the growing number of busts that are publicly reported. You may know of BALCO that led to the jailing of the Sydney Olympics Gold Medal winner Marion Jones, and many athletes being sanctioned for doping offences.

This willingness to limit the availability of illegal substances is part of the rationale behind the Memorandum of Understanding we formally signed last year with Interpol, the world's largest police organization. This Memorandum of Understanding provides a framework for cooperation between our two organizations in tackling doping, in particular in evidence gathering and information sharing.

The French government has seconded an officer based at Interpol's Headquarters in Lyon, France, to serve as the liaison between WADA, governments and the Sport movement, and the various police departments around the world. We hope that this formalized cooperation will help achieve concrete advances.

Many of the high profile doping cases and investigations in recent years have shown that government action and the sharing of information between law enforcement agencies and anti-doping organizations can be crucial in exposing anti-doping rule violations that would not have been detected through testing. Law enforcement and government agencies possess investigative powers to attack source and supply of illegal substances which sport does not have.

Australia has significantly led the way in this regard. In March 2006, laws and regulation were promulgated for information to be shared between law enforcement agencies and the national anti-doping agency, ASADA. The

information provided to ASADA by Customs and the Australian Federal Police allows a far greater likelihood of catching cheats than simply testing.

For example, a consignment of prohibited substances in the mail detected by Customs and addressed to a coach suggests to Doping Control Officers that testing of that coach's athletes may be worthwhile, and also allows evidence to be gathered pointing to a non-analytical violation. This new approach has led to sanctions against more than twenty athletes and members of their entourage since then.

We must realize that, in most cases, athletes do not act alone. They are assisted, counseled, sometimes tricked and occasionally forced into the downward spiral of cheating. Some coaches, trainers, medical doctors, scientists, sports administrators – even some misguided parents - all of whom know better and who have a professional or moral responsibility to the young people under their charge, conspire to destroy the value of what the athletes are trying to do. Doping is very seldom accidental.

One of our missions at WADA is to make sure that it is not only the athletes who are sanctioned for doping offences. Athletes are, of course, the instruments in which the doping occurs, but often they are less to blame than the coaches, doctors and others around them.

We must ensure that the entourage can be sanctioned. Sport may not be able to do so, but governments can. Laws for trafficking and distribution can be passed and implemented and enforced across borders through the understanding we now have with Interpol. Regulations to professional malpractice and negligence can be enforced.

Another area of progress is our cooperation with pharmaceutical companies. The cooperation between the pharmaceutical and biotechnological industry and anti-doping organizations, and anti-doping laboratories in particular, is extremely important. Thousands of new drugs for good and proper medical and health reasons are at various stages of pre-clinical and clinical development. These new drugs will hit the market in the years to come and some could potentially be used for doping purposes. It is essential for anti-doping organizations to have the capacity to detect new substances before they are made available to athletes.

Several successful partnerships between WADA and pharmaceutical and biotechnology companies are now established and have allowed the detection of new substances. The best-known example is the detection of a drug named CERA at the 2008 Tour de France following a very fruitful collaboration with Roche, while some athletes were probably thinking that this substance was undetectable. Subsequently, six athletes were also found to have taken this substance at the Beijing Olympic Games, when the stored samples of blood taken during the Games were re-analyzed months later.

The fact that the World Anti-Doping Code allows anti-doping organizations to sanction doping violations up to eight years after their occurrence is another powerful tool in that particular area. Many major event organizers, such as the IOC, are now retaining samples and properly storing such samples for up to eight years.

This is a clear and powerful message to cheaters. They can be exposed years after the event with the development of technology and science.

Worldwide today we have some 630 sporting organizations who are signatories to the World Anti-Doping Code. In fact, the only sports of significance who are not signatories are the major leagues in North America in the sports of baseball, ice hockey, basketball and American football.

They are privately owned and governments cannot demand their adherence to the WADA Code as they can in sports where the State subsidises. There is no reason for these sports not to adopt and comply with our Code but there is a reluctance to embrace the concepts especially in baseball, which appears to have a history of significant doping violations from what is on the record.

Should racing adopt the Code?

My own knowledge of your industry, which I confess is limited, although I have raced thoroughbreds in the past, tells me that you have a fairly robust supervisory system, at least in Australia, in respect of the animals. Stewards

can order random testing for the collection of both blood and urine at any time.

From time to time I read of thoroughbred doping and disqualification of licensed persons. There is no doubt in my mind that a uniform or harmonized approach on doping control for horses competing in your sport would be of significant benefit in raising the public perception of the integrity of racing. I am not suggesting that there is currently a poor public perception or that racing should sign up to the WADA Code. The WADA model, however, involving an international, harmonious set of rules will enhance the administration of your sport.

Thoroughbred racing is no longer limited to specific countries. Horses compete in many parts of the world frequently moving from country to country in the same year to chase the prize money available.

It would be of significant benefit for racing officials to know that they are applying the same harmonized rules no matter what country a horse competes in.

I recall the great Australian sprinter, "Takeover Target" being banned from competing in Hong Kong because a sample revealed a substance prohibited in Hong Kong but legal in other countries.

It also appears to me that the industry and the sport might benefit from a similar uniform prohibited list and the testing protocols and processes that emanate from the WADA Code and the WADA International Standards.

Scientists are certain that the taking of certain substances out of competition can be of significant benefit to an athlete weeks and months later during competition. Frequently, other substances cannot be detected within several hours of ingestion let alone weeks later.

It is one thing for a substance to be given to a horse for proper medical reasons to overcome an injury or other ailment. It is another thing if that substance

artificially improves the horses capacity to compete and your industry needs to tackle these questions with an open mind.

Surely racing should not be about access to the most sophisticated of drugs or the smartest of scientists , be they veterinary scientists or others who are able to make a profit out of supplying performance-enhancing substances to cheats in your industry.

Article 16 of the WADA Code articulates that those sports involving animals must themselves develop a comprehensive set of rules for Doping Control of animals.

On the question of jockeys, I can see no reason why racing could not follow the WADA Code model as a method of dealing with sports men and women known as jockeys. If it applies and works for equestrian riders why not jockeys?

Your current testing, as I understand it, is driven by the need to ensure that jockeys strictly comply with the safety risks attached to racing. It is a dangerous sport and sadly leads to serious injury and even death from time to time and jockeys need to be clear-minded and alert at all times to minimize those risks to their well-being and the well-being of other horses and riders.

I noted a case in Australia the year before last where leading Queensland jockey Stathi Katsidis was fined \$500 after pleading guilty in a Magistrate's Court to possessing a diuretic drug, Clenbuterol, without a prescription.

Under the WADA Code, Clenbuterol is a prohibited substance and its use attracts a 2 year disqualification from the sport. It is recognized as a masking agent which prevents the detection of other performance-enhancing drugs and last year a prominent rugby league player in this city, Rene Maitua, was banned from playing rugby league for 2 years when a random sample revealed Clenbuterol. As far as I could ascertain, no action was taken by racing officials against Katsidis, only the Court penalty applied.

If professional golf, through the various tours in the world, accepts most of the WADA Code, including the WADA Prohibited List, why wouldn't the racing industry apply the same Code to its jockeys?

There was resistance in golf initially as it is one of the few sports where you actually self-assess your performance by marking your card after each hole with the number of strokes taken. Golf nevertheless recognized that it would improve the integrity of the sport by the adoption of the WADA Code.

So I leave your industry with a challenge.

Be pro-active in your consideration of what is a robust, world-wide anti-doping regime. Is the current regime in this country or any country adequate? If not, then why would you wait for a scandal before moving to improve your rules?

I take you back to how WADA started. Decent sport officials and governments of the world were sick and tired of the scandals in the Iron Curtain countries in the 60's, 70's and 80's and the rampant doping in the Tour de France cycling race year after year and they set up a powerful and effective International body to tackle doping in sport.

Governments are becoming more influential in this fight and in numerous countries they have threatened to withdraw funding when certain sports would not sign up to the WADA Code. Gambling taxes controlled by governments lead to massive injections of money to your sport, so don't underestimate the pressure governments could place on your industry, should some doping scandal surface which is seen to be inadequately addressed by the industry in the public interest.

Earlier I asked the question – "Are we winning the fight against doping in sport?" I believe we are closer to the winning post today but we will probably never finish the race.

There will always be some who choose to cheat, just like in other areas of our society. There will always be some athletes who complain that their privacy is infringed due to no-advance-notice out-of-competition testing. It is a fact

that an effective fight against doping involves a certain level of invasion of privacy for top-level athletes. But, as the overwhelming majority of clean athletes will tell you, this is a small price to pay to protect the integrity of sport and get rid of cheaters.

Today, athletes who play fair in sport can have increasing confidence that major progress is being made to protect them and the ethical values of sport. The net is closing around the cheaters. They, and those who assist them, are not welcome. They are more and more likely to be exposed and excluded from sport, so that it can become the pure and humanistic exercise that we idealize.

Thank you.