

Inaugural Meeting of the Board of the World Anti-Doping Agency (WADA)

13th January 2000, Olympic House, Lausanne

1. Welcome - Opening of the meeting - Roll call

THE CHAIRMAN welcomed the participants of the first meeting of the Board of the World Anti-Doping Agency (WADA), established on 10th November 1999. He introduced the IOC President and thanked him for having agreed to make the facilities at the IOC headquarters available for this meeting.

THE IOC PRESIDENT also welcomed the participants of the meeting to Lausanne and to the IOC headquarters. He said that they were all aware of the difficult year that the IOC and the entire Olympic Movement had faced, yet there was always a positive side to every crisis. In this case, the crisis had allowed the IOC to change and to restructure. Sport had also changed enormously in the latter half of the 20th century and the result was that there was a new dimension to the sporting world. The IOC's structure was over 100 years old and it now had to become more open and renew itself. One of the most important recommendations adopted at the IOC Session in December 1999 in Lausanne was that of including active athletes in its activities. The IOC now included 29 athletes, 16 of whom had won medals at the Olympic Games. Seven athletes had been elected by their peers at the Games of the XXVI Olympiad in Atlanta and three at the XVIII Olympic Winter Games in Nagano. 53% of the athletes had voted in Atlanta and 59% in Nagano. These athletes had become IOC members at the last Session.

That day was a historic one for sport: a new dimension had been given to the fight against doping in sport with the collaboration of world sport organizations and governments. The IOC had begun the fight alone many years before, it had then been joined by the IFs and the NOCs. Respect was based on the independence and autonomy of all these bodies, yet it was necessary to work together to fight doping. The Olympic Movement had three pillars, not just the IOC, and he was pleased to note the presence of IF presidents at this meeting. THE IOC PRESIDENT wished to stress his gratitude to all the participants and especially the governments who were needed to help with this fight. It was up to the group to choose the right President to lead WADA. He thanked the participants for their attention and wished them good luck with their work.

THE CHAIRMAN thanked the IOC President for his remarks. He noted that this was the first time that all the elements required to achieve a solution to the problem of doping in sport had come together, the IOC, IFs, NOCs, athletes as well as intergovernmental organizations and national governments. All had the same determination to pool efforts and to bring to fruition the full honour of sport. This was a unique opportunity; 13th January 2000 would be looked back upon as an important date in sports history, and the participants could all be proud of the part that each organization had played in the fight against doping in sport. Neither the public nor the sports authorities could bring about a complete solution to the problem of doping in sport acting alone; they had to work together with a common objective to achieve what no one had achieved to date. WADA was an independent agency which had to demonstrate by its actions and commitment that it was worthy of public confidence and of the confidence of the athletes whose interests and integrity it was charged with protecting. To win this confidence the Agency had to be accountable, effective, transparent and above reproach, one concerned solely with the ethical integrity of sport. These objectives were shared by all the participants and the task was now to get WADA operational as soon as possible. This meant hard work over the next few months and cooperation from the organizations involved. As initial president, he would do everything in his power to create and operate an effective organization capable of delivering programmes and services necessary for this purpose.

THE CHAIRMAN thought that since the participants would be working closely together, he believed it to be useful to go around the table and for everyone to introduce themselves to each other before outlining the work ahead today. (See Roll Call: Annex 1) He began with himself, and said that

3rd February 2000

he was an IOC member from Canada and currently first vice-president, a member since 1978, aged 57, former secretary and then president of the Canadian Olympic Association. He had been a member of many IOC commissions and currently had responsibility for television negotiations, marketing and sponsorships. He had also been a double Olympic finalist in swimming in Rome in 1960. He was also Chair of the Board of Governors of McGill University and was currently Chancellor of this University. He gave the floor to Mr François Carrard.

MR CARRARD thanked the Chairman. He had been born in 1938 and was acting as special assistant to the provisional Chair. He was a lawyer by training.

THE PRINCE DE MERODE had been an IOC member in Belgium since 1964. Chairman of the IOC Medical Commission, born in 1934, he had spent 14 years on the IOC Executive Board and had twice been vice-president as well as a member of various commissions. He was also president of the Physical Education Council in Belgium and had worked with Mr Walker at the Council of Europe for some 15 years following the adoption of the Anti-Doping Convention.

MR TALLBERG stated that he had been an IOC member in Finland since 1976 and had chaired the IOC Athletes' Commission since 1981. For six years he had been the secretary general of the Finnish Sports Federation. He had participated in five editions of the Olympic Games in sailing where his best placing had been fourth.

PROF. LJUNGQVIST was a doctor of medicine but had been retired for four years. Aged 68, an Olympic high jump finalist in 1952 in Helsinki, he had since been a sports leader, president of the Swedish Confederation of Sport, IOC member since 1994 and senior vice-president of the IAAF, which had initiated work on anti-doping 20 years before. He had begun work in this area in his own country some 25 years previously.

MR VERBRUGGEN was Dutch, 58 years old, and had been a marketing and business consultant a long time before, but he no longer had time for this, being president of the International Cycling Union (UCI) and an IOC member since 1996. He looked forward to sharing experiences in the Board's work on anti-doping.

MR BESSEBERG was from Norway and had been president of the International Biathlon Union (IBU) since 1992, the sport in which he had been a national champion. He had also been head coach for the Great Britain team and the Norwegian team for four years. He looked forward to working within WADA. He stated that he was often looked upon as a hard-liner, as blood tests had been introduced early in his field to prevent health risks to the athletes.

MR LARFAOUI from Algeria had been president of the International Amateur Swimming Federation (FINA) since 1988 and was a member of the ASOIF board and of the SCSA. He was president of the Algerian Olympic Committee and had been an IOC member since 1995. He hoped that the sport of swimming could contribute to the work of WADA.

MR HENDERSON was from Canada and had participated in sailing in the Olympic Games in 1964, 1968 and 1972 and was now president of the International Sailing Federation (ISF). He had also been president of the Toronto bid for the 1996 Olympic Games and was now a member of the IOC Environment Commission, the GAISF council and ASOIF. By education he was a mechanical engineer and he now owned his own plumbing business in Toronto.

MR AJAN was from Hungary and had been secretary general of the International Weightlifting Federation since 1976 when he had been elected at the Olympic Games in Montreal. He was also secretary general of the Hungarian Olympic Committee, president of the Hungarian Olympic Academy and vice-president of GAISF. He had been an active gymnast, Hungarian champion and was now a professor at Budapest University teaching diplomacy. He pointed out that the IWF had one of the most elaborated anti-doping policies.

MR CTVRTLIK was a three-time Olympian (1988, 1992, 1996) in indoor volleyball where he had won gold and bronze medals. At the Olympic Games in 1996 he had been one of the athletes elected by his peers and was currently a member of the IOC Environment Commission and had been involved in the IOC 2000 reform commission and now WADA. The IOC was including the athletes at every level of the decision-making process, but more athletes needed to be included in activities as there was much work to be done. He had been an IOC member since the Session in December 1999. At the national level, he was involved in the International Relations Commission and the Athletes Advisory Council. His free time was spent with a non-profit foundation which worked with children

3rd February 2000

affected by the social drug use of their parents. Professionally he was involved in real estate and owned a company selling concessionaire products.

MR KOSS from Norway had won four gold medals at the Olympic Winter Games in 1992 and 1994. He had been elected by his peers at the Games in Nagano and had been an IOC member since the December 1999 Session. He agreed that more athlete involvement was needed and appreciated being part of the work of the Agency. He had recently qualified as a medical doctor from the University of Queensland, Australia, and worked for various charities.

PROF. DE ROSE from Brazil was part of the group representing the Association of National Olympic Committees (ANOC). He had been president of the Pan-American Sports Organization (PASO) Medical Commission since 1979 and a member of the IOC Medical Commission since 1984 where his task was to coordinate sports medicine courses in the Americas. He was also vice-president of the Brazilian Olympic Academy, a member of the medical commissions of the IAAF and FINA and president of the International Federation of Sports Medicine.

MR REEDIE was an IOC member in Great Britain, 58 years old, and was on the Marketing Commission. He was Chairman of the British Olympic Association, a member of the ANOC Executive Committee, former president of the International Badminton Federation and Deputy Chairman of UK Sport, the government agency responsible for anti-doping programmes. He had graduated from the University of Glasgow in arts and law and now worked in the financial services industry.

MR HYBL was president of the United States Olympic Committee for the second time, a member of PASO and vice-president of ANOC for the Americas. He had also been involved in ice hockey at the national level. By training he was a lawyer and had worked at the White House as special counsel to the president. He was currently Chief Executive Officer of a private foundation.

MR MAYORAL was the secretary general of the Association of National Olympic Committees and had also been secretary general of the Spanish Olympic Committee since 1986. By profession he was a lawyer and had also been a volleyball player with 75 appearances for the Spanish team.

MR TERNES was from Luxembourg and was a member of the cabinet of Ms Viviane Reding, member of the European Commission responsible for sport. Ms Reding had been very active in the field of anti-doping since beginning her mandate the previous September by setting up an anti-doping support plan to mobilize all EU programmes and resources.

GENERAL MCCAFFREY had been one of President Bill Clinton's cabinet officers for the last four years and he was in charge of coordinating anti-drug policy, a programme which involved US\$ 18 billion. This programme encompassed prevention, treatment and international cooperation activities. He was committed to being a partner in WADA's forthcoming work. He was joined in his delegation by three other people who were Robert Housman, Deputy Head of the delegation, Gary Wadler, medical adviser on doping in sport, and Donna De Varona, adviser and former US Olympic athlete.

MR CODERRE was Secretary of State for Amateur Sport in Canada and had recently been appointed by the Prime Minister. He was 36, and for the last two years had worked on a Commission looking at the future of sport in Canada. He stated that doping was an important issue and he was attending this meeting as co-chair of the new consultative group which had been created at the recent Summit on Drugs in Sport in Sydney. He thought that the most important element was to see the sports community and governments working together. He was joined in his delegation by representatives from Sport Canada: Dan Smith, Director General, Ole Sorensen, senior policy adviser, Lori Johnstone, special adviser, and also by Patrick Doyon, Director of Communications for the Cabinet of the Secretary of State. He looked forward to the work undertaken by this Agency.

MS VANSTONE was the Australian Minister for Justice and Customs and had chaired the recent Summit on Drugs in Sport held in Sydney. She noted that from the Sydney summit it had been clear that all the countries present were keen to work with WADA to do whatever could be done against doping in sport. The Olympic Games had an enormous educational role to play; government involvement was needed in WADA in order to see pure achievement in sport. As Justice Minister, she was responsible for the campaign against the use of illegal drugs. She had a degree in law and arts and had then gone into retailing and wholesaling before becoming a member of parliament where her education continued.

MR ELEYAE was 69 years old, from Nigeria but actually lived in Cameroon as he was Secretary General of the Supreme Council for Sport in Africa (SCSA). He had a PhD in physical education and an MBA. He had worked for the government for 41 years but was now retired. He had

3rd February 2000

been president of the Intergovernmental Committee of UNESCO for four years from 1981-1985 and vice-president of ICHPER for eight years. He had been Director General of the National Sports Commission as well as an Olympic coach from 1964-1976.

MR WALKER was 56 years old, British, and worked for the Council of Europe, an intergovernmental organization with 41 member states. His organization had been active in anti-doping questions since 1967 and had enjoyed close cooperation with the IOC since the late 1970's. The year 1989 had seen the adoption of the Anti-Doping Convention and he was secretary of the committee which followed up on this Convention.

DR GARNIER from France was a doctor of physiology and nutrition by training and was the Chair of the monitoring group of the Anti-Doping Convention. He was also medical adviser to the French Ministry of Youth and Sport, responsible for anti-doping for five years, and had been the doctor of a national sports team and of a professional cycling team. He was also head of the sports medicine section in a university hospital.

MR LYNCE DE FARIA was Secretary of State for Sport in Portugal and was representing the EU as Portugal had recently taken over the presidency. He was a maths professor, a former athlete and football and rugby player. He had also been secretary general and then president of the Portuguese National Olympic Committee and Director General of Sports.

MS LINDEN was the Finnish Minister of Culture responsible for Sport and she had been a member of parliament since 1995. She represented her colleagues from the European Union and noted that Finland had just handed over the presidency, after six months, to Portugal. Finland's presidency had allowed it to be involved in the establishing of this Agency and she observed that the EU member states had been active in the last two years in the field of anti-doping. She was pleased to be part of this work and looked forward to the cooperation between sports federations and governments. Doping was the biggest threat to fair-play and the Agency had to fulfil the world's expectation by being in operation in time for the Olympic Games in Sydney. The governments would work hard to fulfil their tasks.

DR ROGGE was Belgian, a surgeon by profession, he was also vice-chairman of the IOC Medical Commission under the chairmanship of Prince de Merode. He held a degree in sports medicine and had participated in the Olympic Games.

THE CHAIRMAN commented that this was an impressive gathering; the group had the potential to achieve a great deal in the pursuit of mutual objectives, and he looked forward to the closest possible cooperation. Much work had been done by governments and in the sports community in the past but all their efforts had not been successful in eradicating the problem of doping in sport. Many believed that doping might even have increased in recent years. There were two main events in 1999 which had led to this meeting today, firstly the World Conference on Doping in Sport which had taken place in Lausanne in February. Many of those present at this meeting had participated in the Lausanne Conference and contributed to the Lausanne Declaration. The second was the Summit on Drugs in Sport in Sydney and the outcome of this, the Sydney communiqué. These events demonstrated that even if the approach to this problem was from different perspectives, nevertheless all the participants in this meeting were committed to the same objectives. He thought it exciting to see the shared interests and that the same elements for the required solution had been identified. This was a unique opportunity which had to be seized to use the current momentum. He referred to the agenda of the meeting which he said was ambitious, but appropriate, as the group had ambitious goals.

There were several ministers present, and he thanked them for their interest and commitment and asked if any of them would like to make an opening statement.

MS VANSTONE thanked the Chairman for the opportunity to attend this meeting and was pleased to see other government colleagues present. This demonstrated the commitment to stamping out doping in sport. Many governments had committed substantial resources to anti-doping programmes and many had a proud record of results. An effective fight could be achieved only in cooperation with the Olympic Movement and other anti-doping authorities. The Australian government had invited representatives of governments, International Federations and the rest of the Olympic Family to the Sydney Summit. In total, 26 countries had been represented and she was pleased to note the positive role played by and the contribution of the IOC delegation. There had been some important outcomes from this Summit where there had been a consensus agreement on collective action to ensure that WADA was an effective instrument in the fight against doping in sport, and the

communiqué was of great significance. The governments represented had affirmed their commitment to WADA and to the development of an independent, transparent and accountable Agency. The Consultative Group on Anti-Doping had been formed, a Canadian initiative, to ensure that the countries not represented at the Summit would have their views fully reflected within WADA. The cooperation demonstrated at the Summit had provided the impetus for continued strong government action in association with WADA to eradicate doping in sport. She added that this commitment had been expressed in the Sydney communiqué which set out a detailed agenda of commitments to show the world, and in particular, the sporting world, that the governments would work closely with sport to achieve the objective. At the national level, the government's role was to cooperate with national sport organizations and to establish national anti-doping programmes based on independence, transparency, integrity, accountability and sound science. She continued that the commitments made included anti-doping policy, drug testing, international collaboration, research, education and reducing the flow of illicit drugs. The governments also had to contribute to the international fight against doping in sport by cooperating with other governments, sport authorities, the IOC and WADA. The Summit outcomes were the beginning of a new era of cooperation and mutual understanding as well as close collaboration between governments, sport and WADA in pursuit of shared objectives over the long term. The athletes also shared these objectives as well as the parents of young aspiring athletes. The world was waiting for a positive outcome from this meeting.

MR CODERRE said that history would be made on this day and the future of the Olympic Movement was linked to the future of WADA; the group had to take up their responsibility. Canada and Australia were present as observers following the consolidation of the intergovernmental group in Sydney; this was an interim mechanism and not a structure creating more bureaucracy. The Sydney group had two basic mandates, firstly to ensure government representation within WADA and secondly to coordinate actions on other outcomes of the Sydney summit. This was an inclusive process and it had to be ensured that all regions could participate. It was also a process which supported the WADA initiative to encourage regional and intergovernmental arrangements on anti-doping. He believed that it was important to find ways among themselves to make this Agency work. Canada had proposed that the first meeting of this Consultative Group be held in Montreal from 16th to 18th February, it would then be able to make propositions with regard to future government representation within WADA. Invitations had been sent to the participants of the Sydney summit as well as to other regions to ensure increased participation. There were few official representatives who could make decisions here today and he thought it best to await the presence of other government representatives.

GENERAL MCCAFFREY had submitted some written comments to the Board for consideration (Annex 2). He wished to associate the US viewpoint with the Australian process, for which he had enormous respect. It was good to see Australia and Canada pulling together to ensure government involvement and regional interests. He was also pleased to see his Brazilian colleague present representing the 800 million people of the Americas. He thanked President Samaranch for his courtesy, partnership and involvement. GENERAL MCCAFFREY said that there were five expectations as to what WADA should achieve. Firstly independence was essential not only for effectiveness but also for credibility. This would be seen when WADA was moved to its permanent location following agreed-upon objective criteria. Secondly, the development of a gold standard for science and technology in sport. The United States faced a huge problem with doping in both professional and amateur sports, and he hoped that WADA would set standards to be emulated by other national bodies. These standards should be based on democracy, accountable leadership, open records of meetings, decisions and budgets, with dynamic membership reflective of the concerns about the doping issue. He was delighted to see athletes present at the table and emphasized that the contribution of former athletes, who now had time available and expertise to offer, should not be ignored. He pointed out that there should be increased recognition of the role of women in sport. Third was the organization of science to deal with this complex problem. They were only fooling themselves if they thought that doping was always one step ahead of the current regime: he did not believe this. Doping was an easily resolvable issue in the coming decade if the science issue was focused upon. He was aware of good work being carried out in many countries. The rights of athletes and their dignity should also be protected. The United States had started the biggest anti-doping programme, but it had experienced problems at the setting up stage. He would put the US experiences at the service of WADA. Fourthly, he called upon the meeting to understand that the world's athletes expected action, WADA had to make a difference in time for the Olympic Games in Sydney by being involved in drug testing results management. The results obtained in Sydney would be passed on to SLOC and USOC. Finally, he reiterated the importance of a gold standard. He had

3rd February 2000

publicly stated his support for the Canadian and Australian initiative, and USOC was about to receive US\$ 3 million to start programmes and US\$ 1 million for scientific research. The following week, there would be the announcement of the formation of the White House Task Force to tackle this huge problem. The Internet was increasing the problem by making access to products much easier, whatever part of the world the athletes might be in. GENERAL MCCAFFREY concluded that it was a honour to be able to participate in this meeting and had confidence in Mr Pound's chairmanship. He looked forward to cooperation in the coming years.

THE CHAIRMAN commented that it was important to leave the meeting today with certain principles in place and a plan of action with timelines attached. He agreed with those who had said that the world was counting upon this group to put programmes into action and to keep the public informed of progress on a regular basis. The group should leave today with a general agreement on certain elements and with a commitment to an open, transparent and accountable Agency. There should be agreement as to the maintenance of minutes, with proceedings available to the public, publication of audited financial statements in accordance with internationally accepted accounting principles and participation of interested parties and organizations as members of WADA or accredited observers. There should be development or discussion of broad strategies which WADA hoped to accomplish in the year 2000 and budgets related to these, preliminary work related to eventual location of WADA's headquarters and the process by which this determination should be made. There should also be discussion about the appointment of an interim secretary of the Foundation Board of WADA. The Agency had an ambitious programme and would not be able to do anything on the schedule hoped for if there was no full-time assistance.

Commitment by governments as to the process by which their participation on a regional basis would be determined, timelines for this and finally a preliminary agreement on the scope of responsibility of WADA in the short, medium and long term and the relationship of the Agency with other interested parties should also be considered. He added that all the parties had not yet been gathered, particularly on the public sector side, therefore the group could not go too far ahead towards solutions until these were fully involved. They had to be cautious as to what was put in place unless they were totally convinced by the present members and observers that there would be no possible disagreement. He hoped to build upon the backgrounds they had heard about yet not be limited by them. There was a new page in front of them and it was up to the Board how they filled it in, with either good material or simply rhetoric.

2. Appointment of new members of the Board

THE CHAIRMAN said that certain members had been named in the notarial act and others were to be named later when they were nominated by their respective constituencies. Some of these had now been designated but had to be confirmed by the Board. He gave the floor to Mr Carrard.

MR CARRARD read the list of the participants who had not yet been confirmed as members of the Board (Annex 3), noting that it was Mr George Walker who would be representing the Council of Europe. The Board should take note of these propositions and confirm with immediate effect.

THE CHAIRMAN stressed that this list should be treated as a proposition and asked if there were any objections.

There were no objections.

DECISION

New members of the Foundation Board of WADA confirmed.

3. Recognition of official observers

THE CHAIRMAN said that the World Health Organization (WHO) and Interpol, despite having no representatives present at this meeting, had requested observer status. Both these organizations had been involved in the working group on establishing WADA. It had not been possible, owing to time constraints, to include individual governments acting as such, but it had always been intended

3rd February 2000

that they be fully represented along with intergovernmental organizations and agencies. The co-chairs of the Sydney summit consultative group, Australia and Canada, had been invited as well as the US government in order to coordinate worldwide government participation. He proposed that they be recognized as official observers with the right to participate in discussions. On this occasion, these government representatives would be Minister Vanstone, Mr Coderre and General McCaffrey. He asked if any other official observers should be considered.

MR TERNES asked that the European Commission be recognized as an observer further to the request made by Ms Reding.

THE CHAIRMAN confirmed that the European Commission was recognized as an observer.

MR WALKER wondered if there was a role for UNDCP. He suggested that they be asked if they would like to have observer status.

THE CHAIRMAN replied that this would be dealt with under item five on the agenda.

4. Criteria and methods for selecting representatives of national governments

THE CHAIRMAN said that this point was mainly for the information of the members of the Olympic Family. He added that the selection of representatives of public authorities was to be worked out among themselves and their choices would be respected. He asked if the governments wished to comment on the progress and principles on which their eventual selections would be based and the timeline so that the Board knew when there would be full representation and active participation.

MR CODERRE referred to the meeting in mid-February in Montreal which he had mentioned earlier. The process on how to proceed with the selection had already been agreed; all the Continents would be represented and there would be formal nominations in time for the next WADA meeting.

THE CHAIRMAN hoped that all representatives would be named in time for the next meeting which he hoped would be in March.

MR CODERRE replied that this was the goal.

MS LINDEN supported the goal of having the representatives decided upon following the February meeting in Montreal. If any problems were encountered then she suggested that the EU process be utilized, a rotation system where each country served for a certain period. Mr Lynce de Faria and herself were representing her colleagues on the European Union within WADA until the end of 2001. She added that important decisions had to be made soon, therefore it was essential to have the public authorities fully represented at the next WADA Board meeting.

5. Criteria for possible status for other participants (observers, invitees, experts)

THE CHAIRMAN observed that doping was a complicated subject matter and it was unrealistic to expect all the expertise necessary to be represented on the Board. It would have to call upon outside advisers and experts to deal with specific situations. Areas such as medical, ethical, legal, educational, human resources and communications all had to be considered and a source of advice found.

PROF. DE ROSE pointed out that one of the aims of WADA was to develop scientific research in the area of doping.

MR CTRTVLIK believed that it was important to communicate to the athletes what was happening in the WADA process. It would be possible to have athletes from the different continents as observers not experts, using a process of rotation, and they could then take this back to their regional groups.

MS LINDEN thought that the Board should be flexible with regard to observers in Board meetings and committee work. The Board could make a start and then committees be set up on a mainly voluntary basis. She had attended the Conference of Ministers responsible for Sport (MINEPS) in Uruguay in December 1999 and UNESCO was keen to be part of the WADA work.

3rd February 2000

UNESCO would be especially valuable in the area of committee working and could perhaps be recognized as an observer.

MR LARFAOUI said that the Agency should have a juridical structure within it to deal with any possible problems.

MR BESSEBERG thought that the activities of WADA should be decided upon before designating experts and observers.

THE CHAIRMAN stated that a decision should be made as to who attended Board meetings and who was involved in committee work.

MR REEDIE supported this view. The Board should identify people who would be of instant use rather than identify who was interested in WADA's work, as everyone would want to be involved. The Athletes' Commission should be used to get the message to the NOCs, by use of e-mail and the Internet, so that they were aware of the fact that work was underway.

MR HENDERSON commented on behalf of the International Federations and said that if there was a problem and an athlete tested positive, then it was usually the sport that got blamed. It was not the IFs that selected the athletes or the trainers. The Agency had to come to grips with who was responsible, what to do when there was evidence of cheating and what penalties to enforce.

THE PRINCE DE MERODE agreed that the Agency should first identify the various sectors and decide on its activities, ethical, medical, legal, educational, etc., and then look at whom it could consult.

MR VERBRUGGEN said that the word "ethics" was used many times, but doping was not simply an issue of good or bad, it went a lot further. There needed to be discussion about the basic question, what would be considered as sport in the near future? It was a fundamental and vital point which had to be considered. He wondered if an IF was to accept WADA's rulings with regard to doping regulations then who would be responsible if there was a problem, for example concerning sanctions, WADA or the IF?

THE CHAIRMAN thought that some good points for discussion had been raised.

MR KOSS replied to Mr Reddie's comment. This had been discussed at the Sydney summit and it was thought that WADA should cover all sports not only Olympic disciplines. He said that the Internet and the media would be used to get the message to the athletes but he recommended adding athletes from sports not on the Olympic programme.

MR ELEYAE pointed out that in Africa there was no production of doping substances; they were all imported by traders and promoters. He also agreed that the Board should consider the potential problems that WADA could encounter and then suggest experts to deal with these later.

MS VANSTONE commented that this situation produced a dilemma as until it was known what WADA was going to undertake then experts could not be selected. The Board should look at what WADA could and should do in the short term with the run-up to the Sydney Olympic Games. There was a limitation on this until the Board was properly constituted. The Sydney Games were a great opportunity for WADA to state that it would have a role to play in the long term.

THE CHAIRMAN said that under this item he just wanted to note any "obvious" observers that should be invited. Specialized groups could be formed once it had been established what WADA was to do in the short, medium and long term. All the participants were now realizing the magnitude of the problem facing WADA; they were all responsible for building up expectations and now was time to deliver, but the Board could not solve everything in one day. He added that the Sydney Olympic Games could be used as a launch for other activities. This discussion would also help under item 14 on the agenda.

6. Relations with other institutions

THE CHAIRMAN stated that the next item to consider was relationships that might naturally develop between WADA and other institutions, and think about identifying some of them. One example that came to mind was establishing relations with existing anti-doping agencies that could be helpful to WADA. Possibly WADA could outsource some of the work that it wanted done and have this done by one of the existing anti-doping agencies. The question was how to establish those

3rd February 2000

relationships, and whether WADA should take advantage of what was already there. He was in favour of this, but invited comments. It seemed that unless they did this, they would not be able to do anything that year.

MR KOSS suggested implementing special programmes, in particular out-of-competition testing, to take place before the Games in Sydney. There was an organization, IADA, which had been working hard and had developed a standardization of quality testing recognized by the Athletes' Commission. It could be a strong group to use, as it had gained the trust of the athletes.

MR BESSEBERG pointed out that International Doping Test Management (IDTM) was also doing a very good job for many of the IFs today in out-of-competition testing, so both this group and IADA would be of interest for WADA.

PROF. LJUNGQVIST recalled that at the so-called reform Session, held one month previously, it had been said that those International Federations which did not conduct out-of-competition testing would risk their Olympic status, and might not be eligible for the Olympic Games. Should that be applied today, over half of the Olympic Federations would not be eligible to participate, as only 12 out of the 35 conducted such tests. His federation and FINA were responsible for 80 per cent of out-of-competition testing. There was therefore a lot to be done. Most of the agencies worked principally on a national level. IDTM was the only group he knew of that did international work; it did the work of the IAAF, and was an obvious partner to approach and consult.

MR WALKER spoke about structural relations, which had already been discussed, but said that WADA would need working relations with others. He fully agreed with Mr Pound's philosophy about outsourcing. Regarding standards, in its search for high standards, WADA should go to those agencies which were in a position to be accredited with the ISO standard. For this reason, WADA should have some kind of structured relationship with IADA, and for the credibility of WADA, its operational work should be conducted to the highest standard possible. Those national agencies with such accreditation standards could also be used. It was not certain whether IDTM could carry out all the work, but it was possible to ask those accredited and certified national agencies to undertake the out-of-competition, unannounced testing on those athletes belonging to those sports where the IFs did not yet have an out-of-competition testing programme.

THE PRINCE DE MERODE wished to point out that IDTM was not an agency; it was a service-provider that enjoyed a form of monopoly. He had nothing against IDTM and thought that it could be used, but a monopoly should not be permitted to exist. Therefore, some rules should be set to allow for other agencies to enter the market and compete. Competition was needed, as one single private company operating a monopoly was unacceptable. ISO accreditation gave results regarding safety regulations, but gave no guarantee on the scientific value of the work. An agency working for WADA should provide sufficient security regarding both ISO safety regulations and scientific standards.

MS VANSTONE pointed out that, regarding outsourcing, they could invite expressions of interest from people regarding what they would be prepared to do and at what price. This would provide a check and a balance competition. Australia, Canada and Norway had developed a consortium that would be including IDTM, and that consortium would probably be happy to respond to an expression of interest. It was true that a variety of people were needed, but it was necessary to invite expressions of interest but with the absolute requirement that the IADA standard be adhered to. Then there would be something concrete to discuss at the next meeting.

THE CHAIRMAN pointed out that transparency would require them to invite competitive bids and that they were almost bound to do something of that nature.

MR HENDERSON wished to discuss the limitations of what was meant by competition. Were they talking about a pyramid that could end up at the Olympic Games, or were they going to carry out a witch hunt by testing anyone who went into a recreational competition? Where were the limits that they were going to put their fingers into? It was the testing part that had to have a limit. They had not defined what they meant by competition.

THE CHAIRMAN stated that these were all valid points, and guessed that they would be focusing on international and perhaps national levels. Regarding education, this could have a generic application. One had to recognize also that the doping often started long before athletes reached national or international calibre.

PROF. LJUNGQVIST said that he used IDTM for international out-of-competition testing in the IAAF, because IDTM had a network of testers qualified in accordance with the standards being

3rd February 2000

discussed. National agencies did not exist in most parts of the world where there were elite athletes. The IAAF concentrated its out-of-competition testing on the international elite. Out-of-competition or in-competition testing systems for the rest of the athletes in the sport were supposed to be done by the governments. The IAAF used national agencies, and IDTM where national agencies did not exist. Activity and action should be taken by the national governing bodies to cover the rest of the sporting population in their countries.

DR GARNIER felt that the credibility of WADA would depend on its actions and not on any discussions it might hold in the eight months running up to Sydney. Given this short time span, invitations to outside agencies would be necessary, at least on an initial basis, but these should be made under strict transparency. If WADA had to delegate, it should delegate technical work, but not its responsibility. It should remain entirely autonomous.

MR BESSEBERG stressed the importance of the independence of WADA. They should use a world-wide acknowledged independent firm to control standardization of tests and so on, such as Lloyds, as WADA would be not really be able to control their own standards.

MR VERBRUGGEN stated that his federation carried out few out-of-competition tests, but the specificity of each sport should be borne in mind, along with the nature of the sport and the different doping products used. 90 per cent or more of the products used in cycling were used in competition, therefore out-of-competition testing in cycling would be less effective than in other sports. The cycling federation had spent its money on in-competition testing, as its experts had said that this was far more effective. The UCI was willing to carry out more out-of-competition tests if WADA wished, but this would mean spending less money on in-competition testing.

THE CHAIRMAN replied that this was a good observation. They would have to deal one-on-one with each federation to develop the most effective control programme.

MR LARFAOUI thought that WADA would not be able to be fully operational before the Olympic Games in Sydney. They had to be realistic. One of the problems affecting them was the disparity in legislation regarding sanctions applied to the guilty parties. There had been positive cases which had not been sanctioned in the country, because the country's legislation did not allow for sanctions, but the legislation of the IF meant that it was obliged to sanction. WADA gave them the opportunity to confront all these problems, and they had to standardize products and sanctions, and also harmonize governmental legislation. FINA only carried out out-of-competition tests at an international level, and its legislation enabled it to select athletes for these tests, which were carried out in conjunction with agencies. One formula was necessary regarding controls and sanctions.

MR HENDERSON noted that there was another major problem, which was a legal one. If a positive doping case actually went to the courts, most of the positive tests were overturned, therefore the IF got accused of defamation of character. The biggest problem in the fight was, upon finding a positive test, getting it upheld in the various levels of courts. There would have to be a major legal aspect to the body to ensure that what was done was defended properly in the courts.

THE CHAIRMAN agreed that this was a great area of concern, to both the Olympic Movement and the governments, and the issue would have to be developed. They could consider a number of issues: standing behind the federation under attack, so that the attacker would know that it was not going to be able to bankrupt some poor IF, and being proactive in legal disputes before ordinary courts, trying to intervene in the court actions to explain the legal framework of anti-doping within the sports world, as *amicus curiae*. Finally, in the process for appeals, over time, lawyers would discover that state courts would not intervene in such matters, once they were satisfied that the party had a full and fair hearing within the sports system.

MS VANSTONE carried on from the discussion held earlier that morning. They should set some clear shorter-term priorities and some slightly longer-term ones. In the short term, WADA should have its own anti-doping code that would govern its actions in relation to testing. They needed a code that WADA would be prepared to stand behind and get everyone to stick by. A format of its drug testing procedures was also needed, along with clear, accepted procedures that the testers could easily demonstrate had been followed. When there was an agreed, clear layout, then the sort of problems referred to by Mr Henderson would no longer exist.

THE CHAIRMAN pointed out that a single code had already been established, which had come into force on January 1st 2000 and was applicable throughout the Olympic Movement. This was the Olympic Movement Anti-Doping Code, and it had been accepted by all the relevant sports authorities. For the Agency to start with its own code would be counterproductive. The Olympic Movement Anti-

3rd February 2000

Doping Code would be applied for Sydney, imperfect as it might be, although in the medium term, they should be able to replace it with an improved version.

MR CODERRE stated that some principles would have to be applied. He supported Mr Larfaoui's views regarding harmonization of legislation, and stressed the need for transparency in results as well. They would have to be careful in how they dealt with problems. It was clear that they would have to harmonize legislation and make it clear that they would achieve these goals. He also agreed with Ms Vanstone's views on an anti-doping code.

MR TALLBERG recalled that 40 years before, the use of performance-enhancing drugs had been brought to the attention of the IOC members. The first doping tests had been carried out by the IOC in 1968 in Grenoble, and a list of banned substances had been revised and also extended. As chairman of the Athletes' Commission for 19 years, he had asked for various strong measures to be taken at the meeting in Baden Baden in 1981. He now wanted some practical solutions to show some sign of practical action to the outside world. Regarding the fact that only 12 federations were carrying out these tests, would it be clever to decide to do out-of-competition and in-competition testing in cooperation with those IFs that did not perform such testing at present? This would be a practical step to show that something was being done.

MS LINDEN pointed out that it was not very realistic to say that WADA would be operating by Sydney, but of course something could be achieved by then. For the next meeting in March, the members should make a list of what had already been done and what should be done by Sydney. All existing set-ups should be used, and the existing Code should be used for the time being. They had a great deal of work to do and should use everything at hand to help the work of WADA.

DR GARNIER noted out that where point 6 of the agenda was concerned, the athlete, who was the last link in the doping chain, was focused on too often, and the availability of the products used was ignored. This availability should be decreased. Customs organizations would be useful in reducing the circulation and therefore the availability of products. There was a World Customs Office, which perhaps should be contacted. WADA should recommend to all those countries with athletes participating in the Games that they be vigilant at the exit and entry of customs.

MR AJAN said that everyone knew that the world expected a lot from them. The members were strong enough to change a great deal if they tried. Harmonization of other institutions was essential. In the last two or three years, the problems of doping had gone in a legal direction. There had been a lot of contradiction regarding different institutions, and how they judged the different problems. Sometimes the decisions taken by the CAS appeared rather strange. They ought to appoint WADA colleagues to negotiate for harmonization, or else the world would not accept their actions. Also, eight months before the Olympic Games, they should move up into fourth or even fifth gear, as there was a need to do something before the Games. Maybe at the next meeting they could deal with what WADA would do for the Sydney Olympic Games. Were all the 200 member countries of the Olympic family going to support them 100 per cent? How could entry visas be given for sample taking in some countries? How were they going to organize out-of-competition tests? Most importantly, they had to harmonize and fulfil people's expectations, or WADA would not gain respect.

MR WALKER agreed that a link was needed with the CAS, as WADA would need legal expertise. The acceptance of the Olympic Movement Anti-Doping Code was an advance. He was glad to hear Prof. Ljungqvist's remark on the possible requirement on IFs to carry out out-of-competition controls in order to be eligible for the Olympic programme. An eligibility criterion of this kind was a long-standing request to the IOC by the public authorities. In WADA there was a new situation of parity between the athletes and the public authorities. The authority of the Code was not quite the same as a code agreed and adopted by WADA. If it was the same, so much the better, but it needed the WADA seal in order to be a valid tool.

THE CHAIRMAN pointed out that the public authorities would have to figure out how and whether they could come to the table and say that if they adopted the Code, they could now speak for those authorities. This could be done in the Olympic Movement perhaps much more easily than the public authorities, but if they could do it, so much the better.

THE PRINCE DE MERODE emphasized that harmonization should not be included only in the sports movement; it had to exist for governments as well. For example, some products were authorized in some countries and not in others. A solution would also have to be found to the problem of drug trafficking and improper labelling, as well as cases where the contents of the products taken

were not known. Harmonization was also needed for out-of-competition control teams, to enable them to obtain entry to countries etc. Collaboration was needed among the different countries involved.

PROF. LJUNGQVIST suggested inviting those organizations performing out-of-competition testing at national and international levels to join them and work on behalf of WADA. Was it understood that this invitation would be made? It was, after all, an important issue. They had mentioned the need for cooperation with scientific bodies. There was a misunderstanding which seemed to indicate that athletes were more advanced than scientists, or that they were one step ahead of them in doping matters. This was simply not true and needed to be clarified, namely that medical science was fortunately advanced and tests could be done for almost everything. The problem they had was what to do with the results of analyses. In other words, did they mean that the athlete had taken something? Did they mean that something might have been produced by the body? Had he or she taken the product unknowingly? These were all legal problems. There was a current situation with 5 or 6 high profile cases that had to be taken to an arbitration court, as they were obviously cheats and doped athletes who had not been banned by the federations. There was a need for cooperation with legal and scientific experts. In the future, there would be new methods for doping. The use of new knowledge in the field of genetics was feared, as it could be misused, including in sport. Some years ago a world wide organization had begun working on mapping out human genes. With the advance of genetic science they could soon have a good idea of the human gene set-up, and then they would have the manual of life in their hands. It would be wise to approach the relevant scientific body in genetics for its views. He proposed to make that approach to the relevant bodies in that field.

MR KOSS observed that the IOC Medical Commission would still be an institution, and a formal relation should exist between the Medical Commission and WADA, especially regarding the accountability of the IOC Medical Commission during the Games. This would be important for the athletes, so that they could rely upon it in Sydney.

MR ELEYAE stressed the need to make progress. What prevented them from accepting as of now the IOC Code as a starting point, and then moving on to and recognizing the procedures used by the 12 IFs already mentioned? They could then move on to point 7 on the agenda and appoint a selective commission to try to harmonize in relation to the IOC's actions, and decide whether the procedures being used by those 12 federations were acceptable. Then at the next meeting, there would be something to say and act upon. As a starting point, they should accept something that was in existence, and move on to examine procedures used by one of 12 federations, seeing if there was any common denominator.

MR HOUSMAN strongly agreed with what Mr Koss had to say. Speaking from a host nation standpoint, that relationship was critical, and it was important that it be one which strengthened confidence and transparency. If they lacked the confidence of the athletes, they would certainly not gain the confidence of the public, a relationship which needed strengthening. Maybe an ad hoc committee could be set up to propose and draft up some sort of proposal for what that relationship should be.

7. Agency's activities in 2000

THE CHAIRMAN questioned whether it was better to wait until WADA was fully organized and structured before beginning any activities, or to start immediately. His personal view was that they should get into action as soon as possible. Assuming, but without deciding, that they were resolved to begin concrete work at once, while recognizing that there was a great deal of work still to be done to flesh out the organization, certain actions could be set in motion, such as a protocol for out-of-competition testing with the IFs, and implementing tests within 3 months; reviewing and developing accreditation mechanisms for the laboratories to be used; developing a results management system to validate and publicize the results of doping controls, which the IOC could delegate to WADA as a statement of the IOC's confidence in WADA; looking at identifying, if not fully articulating, the principles of transparency that should apply to WADA, such as finances, the dissemination of minutes on a web site (at least the non-confidential portions), and providing an annual report of activities; establishing the conflict of interest rules that ought to apply, which should include a provision that anybody who had been sanctioned for a doping offence should not be eligible for WADA membership; sanctioning all those involved in doping, not just the athletes; and adopting a passport system, so that

3rd February 2000

all the major athletes could say that they were ready to be tested anytime, anywhere, which would be a very positive step. It was worth doing something despite the fact that WADA was not yet perfect.

MS VANSTONE understood that the IOC Code would be applicable for Sydney, but if WADA was to be a combination of athletes and governments, then it would be in a better position if it had its own code. If WADA were prepared to make a decision in the longer term to adopt its own code, then could the governments come together and agree that they would live by that code? This was a very important issue. Regarding what the group could do, they had it in their hands to make a difference, but was this actually going to happen? The media would find this very difficult to attack, as they were the filter of what went out to the public, and what the community thought about what was happening. As a long term project, however, WADA should think about adopting its own code that it was prepared to stand behind, and that governments would stand behind as well. Having said that, there were some shorter term things that could also be done. Regarding the IFs and the question of whether to sanction them from the Olympic Games, the members should stand behind their rules. It was true that appropriate protocols were needed for out-of-competition testing. If the laboratory accreditation procedures could be reviewed and given a time frame, so much the better. The development of the results management system was a critical aspect, and the athletes and the community were expecting something decent to come out of this. They needed open, transparent, accountable procedures for drug testing activities, and this could be done.

THE CHAIRMAN replied that members could leave the meeting indicating that they would think about adopting a code in the medium term, but there were a lot of complications with that, most of which rested with the public authorities. The Board needed to decide whether everyone would accept the Olympic Movement Code, at least for Sydney and in the short term. The public authorities needed to decide whether they could live with that in the short term or not. Many of WADA's activities would require the full participation of member governments. Hopefully by March these problems would all be sorted out. The governments would have to commit.

DR ROGGE warned that they would have to be pragmatic regarding the activities of WADA, and act within the Mission Statement. A set of activities had been agreed upon between the Olympic Movement and the founding governments. The first point was that the agreement of all the founding fathers should be obtained in order to move outside the Mission Statement. A number of things had already been agreed upon, including ethics, the out-of-competition list, the harmonization of lab standards, rules, education and scientific research. The short-term priorities should include out-of-competition testing, which meant that they would need an audit of the present situation, and which were the sports or countries where there was no out-of-competition testing. They would need to negotiate again with those IFs not acting, and then subcontract this testing as WADA at present had no experts. Regarding out-of-competition testing, they could have a programme in place by Sydney, but they would have no activities and most certainly no results of people being caught in out-of-competition testing by that date.

The second issue was the results management system, which was an absolute necessity, but would need to be broadened to all the partners around the table. This was also the issue of the countries, and the government agencies, not just the IOC. With a one-year deadline, a new list could definitely be published. The present list could not be changed for the safety of the Games in Sydney, but a list could be prepared for the following year. A reference laboratory could also be set up for the following year. Regarding the issue of passports, this was a very good idea, but was extremely complicated, both from a legal and from a medical secrecy point of view, so there should be no passport that year. The Medical Code should be taken over and perhaps improved upon, but again for the security of the athletes, this should not be changed before the Games. They had to manage expectations, but WADA's message should be a very cautious one. WADA would not provide for drug-free Olympics in Sydney. There would be no EPO test and no Human Growth Hormone, test, and unfortunately there would be cheats in Sydney. WADA would not solve the doping problem by the Sydney Games.

MR HENDERSON wished to talk about the short-term, which was Sydney. This was when they were all going to be in a fish bowl. As a federation person, for him out-of-competition testing was at best a hit and miss situation, as the IFs had no idea which athletes would be showing up in Sydney. For example, "juice", as they called it, was legal in major-league baseball, but illegal at the Olympics. One hundred per cent of the responsibility for making sure that its athletes were clean lay with the country sending the athlete. Having said that, after Sydney, they should go towards having 100 per cent of the athletes competing in the Olympic Games being tested within one month before the Games. He had no idea how they would implement this policy, but it was one that they should go by.

3rd February 2000

MR CTVRTLIK felt that the sooner as they could put out a code that they were all behind, the better. They needed a process that was standard for amending the Code. With regard to Dr Rogge's comments about the passport, he somewhat disagreed about the timing of the initiation of the passport, as the drugs of choice were not necessarily ones that could be tracked or detected. A quantity measuring device was needed to track over time.

PROF. LJUNQVIST observed that a number of things should be taken into account. Regarding the need for a transparent and accountable testing procedure, he felt that it had already been there for 20 years, at least in his federation. Speaking for the representatives of the IFs, the system had been in place for 20 years, or in the IAAF anyway, and the athletes were aware of all the steps. It was indeed unfortunate, as Dr Rogge had said, that a project on finding new methods for tracing some substances had not been completed for a foolproof system in Sydney. It was essential to implement an educational programme, to be in some way launched for Sydney, as this would be rewarding for WADA. The passport idea would be difficult to administer, and would have to be developed before a good system could be put in place. Out-of-competition testing was a must. The situation should be reviewed, as they did not have full information on the situation in various countries around the world. They should aim to leave the meeting saying that they intended to make sure that out-of-competition testing would be performed world-wide and in particular in Olympic sports at an elite level. The message was important; they could not achieve too much in terms of volume, but the message was what counted. They should make use of those in the know so that they could at least get something started.

MR HOUSMAN and his government shared Ms Vanstone's views. His government was willing to act. There should be substantial unanimous consent to the list put forth. Some of the items could be fast-tracked under item 17 in the agenda for the next meeting. The vast majority of what the IOC had put forward fell within the four corners of the Sydney Communiqué. At the following meeting of the governments, their co-chairs had committed to getting their team prepared for the next meeting of WADA, so that by the time some of the points would be coming forward for real, definitive action, the full stable would be there. There was no need to be concerned that the governments would not be ready to act along a tight timeline. Seconding what Mr Ctvrtlik had said about the Code, recognizing that this would be the code for Sydney, consistency should not be allowed to be their hobgoblin, since if there were areas that could be easily improved, why would they not want to do that?

MR REEDIE agreed that action was necessary. For clarity for the athletes, WADA should state that the current Code and list would be used at Sydney, whilst recognizing that work had to be done to improve these. Were the members satisfied that there was enough slack in the existing testing system to extend into further out-of-competition testing in those sports that did not do it? If so, they should try to get two or three protocols with two or three IFs that had not done it before, and start doing it as soon as possible. There were a number of difficulties in doing so, as the equality and fairness in testing caused enormous problems with athletes from other sports. Regarding the new tests pre-Sydney, it was disappointing that they would not have reliable tests for Sydney. They should aim to come up with a simple statement for all the athletes and NOCs to explain what would happen in Sydney. It was regrettable that WADA could not be unaffected or refuse to comment on the very high profile tests, as it should have a view of what was out there at the moment. WADA should invite people to give their views and become involved, such as genetics experts. An international protocol on out-of-competition testing needed to be done with an IF.

THE CHAIRMAN was concerned about the fact that there was at present no sufficiently reliable test for hGH or EPO; however if a test was developed by the time of the Games, it would be used.

MR KOSS stressed the need for WADA action and accountability in order to be a trustworthy institution for the athletes. They should follow the ISO 9000 so that they could be sure that every athlete would all be tested by the same system. There were different rules for different IFs regarding testing during the Games, but the same rules should apply to everyone. NOCs had much more control over the athletes than the IFs did, and perhaps could carry out tests in the earlier stages. They needed to know what was going on in the world before their next meeting, in the fields of ethics, education, tests and research in order to be able to base future programmes on this knowledge. The matter of the volunteer passport was important, as the Chairman had said. Ethical educational standards should be developed along with the passport as a main priority. Research into testing could allow WADA to test for hGH and EPO before Sydney. Longitudinal testing in the passport was also an important point and should be looked into.

3rd February 2000

MR VERBRUGGEN spoke about out-of-competition testing. Having specificity for sports was all very well, but this would, in the case of his federation, be to the detriment of the normal testing. He recommended looking at the number of in-competition tests carried out in various sports. Regarding the passport, he fully endorsed Mr Koss's point of view. They had one in cycling; it worked well and the athletes wanted it. There were a number of basic problems in testing to be solved. Firstly, no one knew how the list was made; it caused confusion and it kept changing. Also, there were great differences between the laboratories and their testing methods, and he could provide statistics to prove the discrepancies. Finally, legislation differed in each country, and this left the governments with a huge task ahead of them.

After 20 years as a member of the IOC Medical Commission, PROF. DE ROSE was not comfortable about some of the comments he had heard, which he knew not to be true. He had never seen a case which was not fully transparent for the commission and the IOC Executive Board. He might make similar accusations about NOCs or governments failing to inform IFs or the IOC about positive cases in their own countries.

Where the accredited laboratories were concerned, a strict system of quality control was in place, with negative and positive samples sent to all the laboratories and the results compared. It would thus be very difficult to have a situation where a sample was positive in one laboratory and not in another. Thus while absolute numbers might vary between countries, not the percentage of positive cases.

He did however agree on the need for transparency in the operations of the Medical Commission. Its role was well defined during the Olympic Games, and the Australian government had a laboratory and so could easily follow up on positive cases. But if the two systems were put together, it would be difficult to maintain the proper secrecy about positive cases until details should be made public. WADA should perform out of competition testing and manage the results of these ahead of the Games, then play a role in the supervision of positive cases reported by the testing laboratory during the Games. It should not be forgotten that the IOC Medical Commission comprised not just doctors, but representatives of IFs, governments and the IOC itself.

MR CODERRE hoped that the aim was not just damage control in terms of what could be reported to the press after the present meeting, but rather to move forward with initiatives. It was imperative that governments and the sports community worked together to find the means of getting results for Sydney. Governments had an obligation vis-à-vis their voters to produce results, and in Sydney they needed to have transparency, integrity and results. He was sure that they would deliver the goods.

MS VANSTONE wished to respond to the perception of certain people that the Australian government and Australian sport wished to be able to say that the Sydney Games had been drug-free. In fact nobody had said that; rather they wanted to say that they had done all they could to achieve this, and that the IOC and WADA had too.

WADA had been set up in response to what had been perceived as a crisis, but the answer was not just to set it up. A huge body of work over many years lay ahead, so there was no possibility of short-term snappy solutions. All the Board members appreciated this, but yet there had to be some things which WADA could say that it wanted to achieve before the Games in Sydney.

There was a need to improve the results management process. In spite of Prof. Ljungqvist's view that this was all right, she and the athletes had a different view. The present system was not bad, but there were gaps and improvements had to be made, and the Australian government wanted to be able to say that it had done all it could. It did not want to have to use the back door to achieve this, nor to use bullying tactics as the host nation; rather it wanted an agreed process with the IOC and WADA for handling things in Sydney. The government was happy to work with the IOC on this; had prepared a report on how to improve the results management process; and looked forward to receiving a response from Jacques Rogge to it. It indicated a number of things that could be done, and it was up to the IOC to see whether they got done or not. She hoped that WADA would be prepared to say that it would work to set a minimum level for improvement with regard to transparency and accountability for Sydney. WADA could have a big influence over what happened, and this would be a significant achievement.

Secondly, it was important to leave the present meeting indicating what a huge programme WADA had before it, but it was equally important to grab some low-picking fruit. Having some things delivered would give WADA credibility, as would finding ways of ensuring that the work was done.

3rd February 2000

Finally, MS VANSTONE believed that it would not be feasible to leave the present meeting saying that the WADA Board had nothing to say about the Sydney communiqué, which had after all had the unanimous support of 26 governments.

PROF. LJUNGQVIST stressed that he had commented not on the results management process, but affirmed that a perfect, transparent system was already in place for the administration of out-of-competition tests. He had in fact expressed his concern at the time about the results management process in Atlanta.

THE CHAIRMAN emphasized that one should not confuse transparency with a mere lack of knowledge of what was going on. They could however broaden that base of knowledge, which was important. It was important that WADA's decision be based on what was right, not on what would play well with the media. He did not intend to run an agency which pandered to what it thought the media might say.

MR BESSEBERG felt that the high level of expectation surrounding WADA was critical, as there was a "wait and see" attitude among many IFs and even at national level. It was thus important to state that doping had to be fought at least at four levels. They already had three of these, and had to try to encourage the continuance and extension of work at national level, i.e. by NOCs and governments, and internationally, by the IFs and the IOC. This was the only possibility to go further, as WADA alone was not able to cover it. The main task for WADA had to be to ensure quality control and coordination, ensuring that the work done was of a high level and fair to all athletes in all countries in all sports.

At present, EPO and hGH were serious problems, and WADA ought to be announcing that it would develop test methods to detect these substances and put such tests into effect as soon as possible, even if not for Sydney.

On the issue of blood tests, the athletes in Sydney would feel it unfair that only two sports, cycling and modern pentathlon, performed tests and not any other endurance sports. Legally, it was a problem to say that such tests were performed for health reasons, as it was not possible to say that the tolerated limit of haematocrit (50 or 52) was the right one. The IBU's athletes had accepted this in Nagano, as they felt that introducing such tests in Sydney were meeting the problem halfway. But for WADA, it was very dangerous to do things which it could not defend. They had to do something, but do it correctly. It was easier for an IF to put something into effect, and then admit it had made a mistake. But it would be bad if, right at the start of its existence, WADA made a big mistake.

MR KOSS wished to draw attention to the problems caused by the differences in legislation between amateur and professional sports. Was WADA defining itself for all types of sport, or just Olympic sports and those sports which followed the rules of "amateur" sport? Athletes found it most unfair that certain athletes in professional sports could use drugs legally to prepare for the Olympic Games beforehand, such as the NBA players in the US Dream Team and NHL players. A clear definition was needed on the rules which WADA would apply.

DR GARNIER agreed that prompt action was needed, but such action had to be above all criticism, particularly on a technical level. They therefore had to adopt a working method, because a number of proposals had been of a technical level requiring the opinions of experts (which might be different). One example was that of introducing an athlete "passport", which could be two very different things. In one form this could be just a kind of (easily falsified) certificate listing the doping tests performed, while it could also be a medical case history giving medical monitoring details. It was certainly not the WADA Board which could debate such an issue; rather they should focus efforts on what means they needed to implement the necessary actions and the kind of internal organization they wanted for WADA. The Board should remain a decision-making body which validated others' proposals.

MR LYNCE DE FARIA believed that the Board had to take four immediate decisions for the Olympic Games in Sydney, namely the immediate world-wide introduction of random testing; random testing during the Games themselves beginning two weeks before the opening ceremony, at all venues, the Olympic Village and the hotels, requiring the prior acceptance in writing of such testing by all the NOCs; the development and validation by WADA of new methods of detecting banned substances, in particular EPO, synthetic corticosteroids, perfluorocarbon and cortisone; and finally acceptance by all countries taking part in the Games to step up customs controls on teams and their entourage travelling to Sydney.

3rd February 2000

To summarize, THE CHAIRMAN believed that, for 2000, the Board had agreed on the elements of transparency, including public disclosure of its minutes, preparation and publication of audited financial statements and an annual report. They should also begin immediately to work out protocols with the IFs, both those which currently ran out of competition tests and those which did not, to get out of competition tests implemented before the Games in Sydney. They were also in agreement to develop a process, among the Board members and with scientific advice, on the best means of accrediting laboratories, including establishing a reference laboratory if necessary.

They were also committed to the concept of ISO standards for ensuring consistency of results, while recognizing that these standards were not 100% of the solution. There was agreement that, if a results management system could be developed which everyone understood, they would ideally be able to apply it for the Games in Sydney, but at the same time, this kind of process did not apply only to the Olympic Games, but universally, to world, international and national championships.

They needed to articulate the conflict of interest rules which applied to the Board and study the means of extending sanctions to everyone involved, not just the athletes. They agreed on exploring the concept of an athlete passport in order to establish records and publicize the fact that they were opposed to doping.

During an interim period at least, WADA would take advantage of the existing expertise on doping and establish contact with the appropriate international organizations, such as the international association dealing with genetic research and development. They would begin consideration of a Code which would become the WADA Anti-Doping Code, accepted by the public and sports authorities alike, starting with the Olympic Movement Anti-Doping Code as a basis. They would also start the process of harmonizing sports rules and national rules on doping.

Governments had indicated that they would work for a greater degree of harmonization and cooperation in respect of the movement of prohibited products and substances when leaving one country and entering another. It was also agreed that work begin immediately on developing some kind of educational component for all of the above, as a combination of enforcement and education was required to solve the doping in sport problem. Finally, some way was needed to encourage and monitor scientific research. If WADA was sponsoring research, a mechanism was required to ensure that this was peer-reviewed research.

MR CODERRE noted his and Mrs Vanstone's agreement with what the Chairman had proposed, but wished to stress that there would be a government meeting in February in Montreal at which there might be specific issues on which governments might wish to adopt a position.

From the list of points cited by the Chairman, MR HOUSMAN commented that in addition to international organizations, there were other organizations such as NGOs on testing, so the reference should be simply to "other appropriate organizations".

Moreover, regarding participation, he noted the preponderance of suits at the present meeting, which reflected a lack of gender equality. The Board should thus include more women and athletes who had recently retired from competition as well as active ones.

THE CHAIRMAN agreed with these observations.

MR WALKER noted the number of times the problem of EPO and hGH had been raised, and wondered if it would be possible to add to the list of action items for 2000 that finding a method for detecting the artificial application of these substances would be a priority, and if a valid test were found, it would be implemented.

THE CHAIRMAN agreed to this.

PROF. LJUNGQVIST thought it better to say that they would focus on substances which were currently difficult to detect, rather than referring to just one or two.

MR KOSS wished to add as one point of consensus the need for equality for all athletes across all sports, in terms of equal testing for all.

THE CHAIRMAN was less comfortable with this as a defined outcome of the present meeting. The professional sports issue was one which was more complicated than they were currently able to deal with, as were the blood tests on health grounds.

3rd February 2000

PROF. LJUNGQVIST was not happy with the blood tests conducted by the UCI and UIPM as it was not clear exactly what these were. If they were being done for health reasons, he wanted some evidence as to the risk involved; and if they were to test for doping, the IFs should say so.

MR CTVRTLIK wondered if they needed to say that they would be standardizing a method for making future amendments to the WADA Code.

THE CHAIRMAN thought that this would be built into such a Code.

DECISIONS

WADA actions in 2000 to include the following points:

1. Public disclosure of WADA meeting minutes, audited financial statements and annual report.
2. Develop protocols with the IFs for conducting out-of-competition testing before the Games in Sydney.
3. Design an ISO-standard compliant process for the accreditation of testing laboratories that may include the designation of a reference laboratory.
4. Develop a universally understood results management system for doping controls in major sports events, including the Olympic Games.
5. Encourage and monitor peer-reviewed scientific research, especially regarding the detection of EPO, hGH and other substances.
6. Determine methods for extending sanctions to all individuals involved in doping.
7. Explore the concept of athlete "passports" which record health and testing information.
8. Establish contact with appropriate organizations with anti-doping expertise.
9. During an interim period, make use of the resources of existing anti-doping agencies.
10. On the basis of the existing Olympic Movement Anti-Doping Code, begin work on drafting a WADA Anti-Doping Code.
11. Develop an educational component, to accompany the measures of enforcement, regarding the risks involved with taking prohibited substances.
12. Initiate the process of harmonizing anti-doping rules in sport and national legislation.
13. Work with governments to stem the trafficking of prohibited substances and their movement across borders.
14. Achieve wider diversity among Board members, especially regarding gender equity.

8. Operational budget for 2000

THE CHAIRMAN suggested requesting a draft budget for the next Board meeting, taking into account what they had agreed to do under item 7. He recalled that the Olympic Movement had agreed to be responsible for the costs of WADA for two years to give governments the chance to consider how best to share the costs.

DECISION

Draft WADA operational budget for 2000 to be presented to the next Board meeting.

9. Appointment of a Secretary to the Board

THE CHAIRMAN was of the view that the meeting should appoint someone who could act on a full time basis to direct and manage the work of the Foundation Board. This would be a secretary to the Board, not a general secretary of WADA itself.

MR LYNCE DE FARIA proposed the Finnish Director General of Sport, Harry Syväsalmi, for the post.

THE CHAIRMAN explained that, after negotiations, Mr Syväsalmi's Minister had approved this idea. He had been particularly active in the working group constituted to pave the way for the creation of WADA, and was well-known in the public sector sphere of anti-doping work, which would be a big asset for WADA.

MR CODERRE believed that this appointment was necessary for WADA to begin functioning as quickly as possible. He was thus happy to give the agreement of himself and Ms Vanstone, on behalf of the Sydney group.

MS VANSTONE recalled Mr Syväsalmi's demonstration of many different skills at the Sydney doping summit, and felt that he would be the perfect choice.

DECISION

Mr Syväsalmi appointed as Secretary to the WADA Foundation Board.

10. Selection of a Bank

THE CHAIRMAN noted that part of the trappings of WADA's independence was the requirement that it have its own banking arrangements, and a separate bank account. The Board thus had to consider finding a suitable location convenient to the activities of WADA for such a bank. Until such a bank was found, the IOC was willing to continue handling the accounting and financial arrangements of WADA. He wondered if it would make sense to wait until they had a permanent site for WADA - which might take a year or more. But in the meantime they should give this issue some thought and assign to Mr Syväsalmi the task of making a recommendation on which bank would be appropriate. They could then take a decision at the March meeting.

DECISION

Mr Syväsalmi to make a recommendation on possible banking arrangements for WADA at the next Board meeting.

11. Selection of an auditor

THE CHAIRMAN continued that the same issues as with choosing a bank applied to the selection of an auditor for WADA. This would have to be an internationally recognized firm of accountants. Here, to avoid a conflict of interest issue, he wished to declare that PriceWaterhouse Coopers were the IOC's accountants. Other WADA Board members might wish to make similar disclosures to Mr Syväsalmi between then and the next meeting in order to be on record as having done so.

DECISION

1. WADA Board members to disclose to Mr Syväsalmi any potential conflict of interests regarding the selection of an auditor for WADA before the next meeting.
2. Mr Syväsalmi to make a recommendation on possible auditors for WADA at the next Board meeting.

12. Preliminary discussion of criteria for choosing a CEO or General Manager and Search Procedure

THE CHAIRMAN observed that WADA would soon need to appoint some professional staff, starting with a CEO, general manager or director general to carry out its work. This would be a very important position, as the person chosen would be responsible for implementing policy established by the Board and interfacing between WADA and other organizations. Someone of quality was needed to properly represent WADA at that level. Thought was needed on drafting a job description and the process of how to locate and recruit such an individual. Would they have to use a search firm, for example, or advertise on their own? Equally, as the WADA Board was too big for interviewing candidates, a selection committee would be needed. After the Board members had thought about this, they could create a smaller committee to prepare the job description in a formal way and suggest the process that they would follow for recruitment.

MR HENDERSON shared the concerns expressed to him by the Prince de Merode earlier, namely that what WADA was getting involved in would be very expensive. He therefore hoped that the CEO would have a solid financial background more than one in medicine or sport, as it would be very difficult to keep the financial aspects of WADA under control.

MR WALKER had thought about the issue of appointing a CEO but had not reached any firm conclusions. However, the field of doping was very complex, and someone with no experience would not necessarily be the best candidate. Rather, having someone who knew about doping would get WADA off to a better start. Such knowledge alone was clearly not enough; the person should also have sound financial management capacities and have diplomatic communication skills, for interfacing with other bodies. Marketing skills were irrelevant, however. It was not certain whether this individual's knowledge base should come from the public sector or from the anti-doping work of the sports movement. While a medical background was not essential, some degree of familiarity with scientific problems in the wider sense was necessary. The same was true for legal knowledge. As a person fulfilling all these criteria was a very rare beast, ought they to be setting out all these ideal characteristics in a job description, or frame it in a way to obtain more potential candidates?

THE CHAIRMAN stressed the need to differentiate between doping experience and doping "baggage" where a candidate's background was concerned. All the other points made by Mr Walker were valid, and having someone who could communicate in more than one language was also very important.

MR TALLBERG agreed with Mr Henderson that a good financial background was important, but equally the members of the WADA Executive Committee ought to have the necessary abilities to take care of financial issues.

THE CHAIRMAN thought that the Board might want to consider the nomenclature used: this person could be the president of WADA, for example, while he became its chairman.

For PROF. LJUNGQVIST, this full-time CEO needed to have a fairly good knowledge of what anti-doping work meant, or else time would be wasted in educating this person. Such knowledge was thus a priority. A background in education was also a prerequisite. The job description should simply state the work required by a person with the right background knowledge. Mr Syväsalmi could put together a good job description to be ready for the next meeting.

The search procedure was a vital element, and he favoured an open invitation so that people could apply and the WADA Board could select suitable candidates. Only as a second step should they consider employing a professional firm.

MR BESSEBERG recalled that the draft budget prepared for a previous meeting had foreseen a deputy CEO for WADA, in which case the CEO did not need to have all the qualities required. Some of the expertise could be provided by his deputy, so that the total competence of the office was combined rather than individual.

MR LARFAOUI thought that this was an important point, but that it was more normal for the function to create the body, rather than the reverse, which was what was happening in this case. Consequently, before doing anything else, they should create an organization chart which defined the functions. On the basis of this, they could define the profile of the person capable of running WADA. Before the next meeting, the chairman, the Secretary and the existing IOC administration could think about producing a draft organization chart which could be put to the next Board meeting.

3rd February 2000

THE CHAIRMAN believed that this was a good idea. He drew the members' attention to the preliminary budget and organization chart in their files, which had been produced for discussion purposes the previous May. They might want to scale this back and simply identify the functions which had to be performed, and in the course of interviewing candidates get a sense of how best they could be assisted in doing the job. The Board members could publicize this post and invite applications, or employ a head-hunter. But there was no point paying for the latter if they could do the job themselves.

DR ROGGE felt that the Board members were the best people to do the job, as no head-hunting company would have the expertise needed to define the job profile. The Board members themselves knew who was around and who was available, and should use their own networks.

MR CODERRE recalled the principle that justice had to be done, but also be seen to be done. This meant that while the Board members knew many potential candidates, if it looked as if the "buddy system" had been used, WADA would not be successful. Head hunting was a good thing. The process that they put forward was almost as important as the creation of the body itself. This was why everywhere, including governments, when they needed to find a person for a post, used a transparent, formal process using professionals.

MS LINDEN agreed with Dr Rogge that there were many experts and people with good networks and connections around the meeting table who could put the message out. But her EU colleagues' wishes regarding finding a CEO for WADA were that this be an open process in which anyone could apply. The Board's duty was to give the message that the process would be open and try to find the best possible person.

MR TERNES agreed that governments were experienced in this kind of process, as they were obliged to have an open procedure. The EC used head-hunters, but had the final choice in deciding whom it wished to appoint. For that reason, using a firm was good for the purposes of transparency and showing that an appointment was on merit and pre-agreed principles. The experts on the Board could then make the final choice.

DR ROGGE stressed that he favoured an open process with the post given as much publicity as possible in the media. He was merely questioning the need to use head-hunters, which probably knew nothing about doping anyway, telling the Board who the best people were. The Board members themselves were the best jury. In any case, what criteria would they use to choose a head-hunting firm in the first place?

THE CHAIRMAN explained that, at his university, where transparency was equally important, a post was publicized first, to see what applications were received, then, if they were not satisfied with these, a head-hunting firm was engaged to go and recruit.

MS VANSTONE observed that Mr Coderre must have been referring to public service appointments, for which there had to be a transparent and open appointment process. Within governments, however, it was simply a question of deciding whom one wanted and giving this person the job. She therefore suggested that, if the WADA Board had recommendations, discussed the appointment and decided that someone was the best person, they should offer him or her the job. If this approach did not work, then a head-hunter could be employed. Consequently, she favoured Dr Rogge's suggested approach. In her experience, head-hunters cost a great deal and achieved little.

THE CHAIRMAN agreed that the risk was that they would be paying a head-hunter to learn the business.

MR HOUSMAN pointed out that the concerns expressed about making sure that the process was transparent could be addressed in the question of who reviewed the candidates.

PROF. LJUNGQVIST feared that it would not be easy simply to find someone and employ them. He was convinced that the best process was an open procedure, as nobody knew who might be interested in the job. Starting by using a head-hunter carried the unnecessary risk of wasting money.

THE CHAIRMAN warned that the level of this appointment was such that, while the process had to be open, the deliberations had to be confidential as they tried to find the right person. Another complicating feature which might also arise was if a candidate wished to know where WADA would be based.

3rd February 2000

In sum, Mr Syväsalmi would be putting together for consideration by the Board, at or before its next meeting, a proposed job description. After signing off on that, they could agree on whether there would be an open invitation first, widely circulated, to see what applications they received. If this did not produce the person they were looking for, they could then consider the possibility of employing a head-hunter.

MR CODERRE had already seen cases where an extremely competent person applied, but insisted that they be allowed to work in the place where they lived. He expressed the hope that for WADA there would be no link between where the CEO lived and the headquarters of the Agency. There should be two separate decisions: where to locate WADA and whom to employ as CEO.

THE CHAIRMAN agreed that the person chosen as CEO would work for the Agency, not the other way round.

DECISION

Mr Syväsalmi to put together for consideration by the Board, at or before its next meeting, a proposed job description for the future CEO of WADA.

13. Preliminary Discussion of location for Agency headquarters, procedure and tentative timetable

THE CHAIRMAN recalled that Lausanne would be the provisional seat of WADA until the Board could decide on a definitive headquarters. The Board thus had to develop the criteria on which to base their choice, and the process they would use to make it. The timeline for both of these should be in place by the next meeting. Should they be forming a working group to decide on the criteria? If so, a Board member whose own country was applying to host the WADA headquarters should not really be on the working group. They should be looking about what aspects were important to deciding on a location, such as access to an international airport, having an accredited laboratory nearby, available space, entry and visa conditions, having services provided free of charge, etc.

For MR BESSEBERG, the hosting possibilities for WADA employees were also important.

MR KOSS felt that a previous good record on anti-doping work was important for the WADA host country.

MS LINDEN drew attention to the European Commission non-paper in the meeting file on the criteria for selecting a site. She thought that the process should be started as soon as possible, and the applicants asked to provide details on different points. Then the working group could go through the list of applicants and make proposals for the Board's consideration. It should be an open process, with anyone allowed to apply, and after that each application could be compared with the list of desiderata.

THE CHAIRMAN observed that WADA was in the happy position of having several cities applying, so that the Agency could ask them what they were prepared to offer, such as diplomatic or quasi-diplomatic status for WADA staff, meeting facilities, etc. WADA could make a shopping list and then see what was on offer.

MR TERNES thought that they should start their work on the basis of a non-paper. The European Commission would be happy to act as an impartial, independent observer in the working group. The criteria listed in the non-paper came from identifying cities as the sites of existing agencies in Europe, and were a mixture of political, doping policy-related, cost-related and other practical arguments.

THE CHAIRMAN asked what exactly a non-paper was.

MR WALKER replied that it was a useful formula for someone to throw ideas into the ring for discussion without committing the author to anything.

THE CHAIRMAN proposed that, with the addition of a timeline, this non-paper be taken as the basis for a real paper for discussion at the next Board meeting. He thought it unrealistic to expect a decision on the definitive WADA seat before 2001.

3rd February 2000

MR HOUSMAN wished to eliminate the reference to the word "war" in the non-paper.

MR CTVRTLIK felt that the general price structure and the costs of a city should be included in the criteria, especially for the sake of the athletes.

MS LINDEN hoped that the Board could work on this issue fast and get a decision by the end of 2000, as there were some expectations of having this done much sooner. The EU member states might want to add criteria, and she hoped that these would be established by the next meeting and the application process begun.

THE CHAIRMAN confirmed that this was the general idea and hoped that this was a reasonable timetable.

Speaking on behalf of the Council of Europe Monitoring Group, DR GARNIER wanted one of the criteria to be that any country hosting the WADA seat be a signatory of the European Anti-Doping Convention. The country should also have national anti-doping legislation which sought to reduce the availability of drugs; a national anti-doping programme; an independent national anti-doping body, such as a national anti-doping commission; an annual programme of in- and out-of-competition testing; and anti-doping education and information programmes. These were clearly political, rather than technical criteria.

THE CHAIRMAN thought that these were very helpful criteria. He hoped that the Board members could be provided with their meeting files sufficiently in advance of the next meeting for them to be able to think about the issues to be discussed and, if necessary, seek instructions beforehand.

MR TERNES felt that, since the choice of director or CEO was linked to the WADA seat, they should aim to announce the venue of the seat as soon as possible, rather than saying that this would take a long time.

THE CHAIRMAN stressed that this should be as soon as possible, but having considered all the relevant aspects fully.

MR HOUSMAN asked if it would be possible to say that they expected to have a decision made and the process of moving begun within a year's time.

THE CHAIRMAN was happy to set this as a guideline, but warned that, for the Olympic Movement parties, their time from June to October would be taken up with the Games in Sydney.

14. Appointment of committees

THE CHAIRMAN continued that WADA needed committees established by and reporting to the Board. These would not be composed solely of Board members; indeed, it might be to the Board's advantage to seek the best possible expertise from outside. Consequently, consensus among the Board was needed on using outside members; the terms of reference of the committees (e.g., Would they all report to the Board or be given executive powers to act?); and preliminary identification of the committees required. He listed a few possible subject areas for comment by the Board members.

MR CODERRE wondered if they should envisage a certain percentage representing governments compared with the sports community, or respecting the representation of specific groups, such as the athletes. Regarding the delegation of powers to the committees, it would be vital beforehand to ensure that all the different constituents were fully represented on the Board itself.

THE CHAIRMAN replied that, in principle, all that WADA did would involve this balance between the public authorities and the Olympic Movement, so he expected that its committees would be thus constituted. The main thing was not so much that the actual members came from one side or the other, rather that the members were appointed by them. He would also like to regard all the committees as purely advisory, making recommendations to the Board, which it either accepted or rejected, until WADA was properly up and running.

MS LINDEN thought that, especially during this interim period, the committees or working groups should be starting the work of WADA on the subjects referred to in the agenda, as Mr Syväsalmi alone would not be able to do all the necessary work and bring this to the Board. It would be better if the committees produced some guidelines on the short- and mid-term objectives, then once the work of WADA was under way, more experts could be brought in from outside. She felt that

WADA had so much work to do that an immediate start on it was required. They should thus have some working groups already in place to do it.

MR WALKER was concerned not to go get too stuck into a bureaucratic structure too quickly, even though all the subjects mentioned on the agenda needed to be addressed in one form or another. He suggested including athletes on the working groups or committees as a source of outside members in order to address the athletes' desires. In addition, missing from the list were three topics which WADA should be addressing. One was a committee for out-of-competition controls, since this would be a big part of the Agency's work. Another should cover science and research needs; and a third should make proposals to the Board on a new WADA Code.

THE CHAIRMAN proposed that, before the next Board meeting, each member should think about the terms of reference of what the different committees might be. By mid-February they should send Mr Syväsalmi a list of people they knew who might be useful on particular committees in order to collect a bank of names, bearing in mind that there was no magic size for the committees. They had to be small enough to be effective but large enough to canvass the material they needed to cover. Moreover, every committee meeting would involve a cost, which also had to be considered.

MR ELEYAE urged that consideration be given to the different members of the Board and the areas of competence of each of them, in order to decide on which committees they should serve. This would already reduce the number of outside committee members needed. Each member should thus indicate in which areas he or she could serve.

THE CHAIRMAN agreed, adding that, ideally, the chair of each committee would be on the Board. The Board members should indicate to Mr Syväsalmi on which committees they wished to sit.

MS VANSTONE had two points. Regarding the WADA members who would be members or chairs or committees, she suggested waiting until after the Montreal meeting in February, when more government representatives within WADA might be appointed, before making any choices.

Secondly, she requested the appointment of an interim committee to look at the results management process and hopefully polish it up in time for the Games in Sydney. This committee could work between then and the next meeting and report to the Board. This would be very helpful to the Australian government.

THE CHAIRMAN replied that he did not intend appointing any committee until the next Board meeting, but would be happy to work with Mr Syväsalmi to put together a "non-committee" or working group to look into this and report to the next Board meeting.

MR HOUSMAN suggested a similar approach for issues of governance, such as conflicts of interest, transparency, etc.

THE CHAIRMAN said that this could take the form of a drafting committee for what the Board had decided at that meeting.

DECISION

The Chairman and Secretary to the Board to establish a working group to look at developing a doping test results management process which could be considered for the Games in Sydney, and a drafting committee to draw up the conflict of interest rules and other matters agreed upon at the present meeting, and report to the next Board meeting.

15. Preliminary Discussion - Selection of Executive Committee

THE CHAIRMAN invited the Board members to think about whom to appoint to the yet-to-be created WADA Executive Committee. Such a body was clearly needed, and it had to reflect the equality of representation of the Board. One of the first considerations was whether the Committee should consist entirely of Board members or include people from outside. Another was the Committee's scope to act between Board meetings. For example, the Board would not want the

3rd February 2000

Committee to act in certain areas, such as disbanding WADA. By the next meeting, they should consider appointing an Executive Committee, especially if the government positions on the Board were filled, since there was much to be done, and the Board could not meet every four or eight weeks.

MR REEDIE wished to see a small Committee, composed entirely of Board members at the initial stage, which would fill up as appointments continued, perhaps eight members growing to 12 by the end of the year. The Committee should have clear power to act between Board meetings and then report back to the Board. After that, they could consider making longer-term Committee member appointments.

THE CHAIRMAN recalled that the WADA Statutes contemplated an Executive Committee of up to nine members, with a majority of these from the Board. For the time being at least, he would be more happy to have the Committee composed exclusively of Board members. As for the authority to act issue, it was better to think of what the Committee should not be allowed to do, or do only after ratification by the Board. It was also important to bear in mind that being an Executive Committee member would take up a lot of time over the next few years in particular.

MR CODERRE recalled that at the governments' meeting in Sydney, one of the points raised concerned that actual constitution of WADA, and in particular article 8 and changing or transferring the seat of the Agency which referred to a unanimous vote. The wish expressed at Sydney had been to change this unanimity to a two-thirds majority, for example, in the interests of "doability".

THE CHAIRMAN noted that a number of questions had been raised about article 8, paragraph 4, which required a unanimous decision by the Board to transfer the WADA headquarters, appoint the Executive Committee, change the objects of the foundation, etc. He hoped that once the Board members got used to working together, almost all of their decisions could be made by consensus; but it was important to recall the reasons why this provision had been worded thus, namely to reflect concerns from the public sector that it not be minimized within WADA. It had been meant as a constructive, rather than obstructive, stipulation.

MR WALKER noted that the same considerations applied to article 16, concerning amendments to WADA. The original proposals for the WADA constitution had spoken of majority voting, but the concern had been one of parity, and not to place governments in a minority. The idea was that WADA's major decisions ought to be reached by consensus, and only if that failed should there be a vote. This idea had been translated into the stipulation of unanimity, and the Agency working group had failed to spot this mistake. As a result, a single vote was now enough to block progress, and this was not in anyone's interest. For that reason, until the Board could formally amend the WADA statutes, they should strive to reach all important decisions by consensus. Any amendment could stipulate a two-thirds, three-quarters or qualified majority, which would avoid the danger of either a simple majority or unanimity.

THE CHAIRMAN stressed that, while he would regard it as a personal failure if the Board could not reach a consensus on any important decision, they should still think about what the majority should be and any other changes to the statutes. They should also consider enshrining in the constitution the fact that athlete representation would be equal to that of each other component of the Olympic Movement.

MR MAYORAL believed that within the Executive Committee there had to be equal representation between the Olympic Movement and the public authorities. It was the most important body of the Agency, so all the members of the Committee should be Board members. It was very difficult to understand how someone from outside the Board could take a decision against the Board. As a result, it would be easy to nominate four members from the Olympic Movement, four from the public authorities and a chairman with the consensus of the bodies involved in the agency. This was the NOCs' opinion.

MR CODERRE thought that good faith had prevailed in the Board thus far, and as he and Ms Vanstone represented the consultative group which had had the unanimous support of 26 governments in Sydney, he proposed two things. The first was to agree at the present meeting to ensure that there were always at least four athletes on the Board. The second was to agree that each time the statutes stipulated unanimity for Board decisions this be changed to a two-thirds majority.

This was agreed.

DECISIONS

1. The Board agrees to amend the WADA statutes to stipulate that there always be at least four athletes on the Foundation Board at any one time.
2. The Board agrees to change the articles of the Foundation statutes which require a unanimous decision by the Board members to the requirement of a two-thirds majority.

16. Miscellaneous

THE CHAIRMAN noted that the minutes of Board meetings were not official until they had been approved by the Board, and so, until such approval had been given, should not be disclosed wholly or in part other than to the members' own constituencies, and even then, only as drafts.

MR WALKER added that the Secretary to the Board was entitled to expect that any comments made by the members be submitted by a reasonable deadline.

THE CHAIRMAN agreed that, failing comments by that deadline, the minutes would be considered approved.

17. Next meeting

After lengthy discussion, it was agreed that the next WADA Board meeting would take place on the Chairman's birthday: **22nd March 2000**.

- Closing remarks

MR SYVÄSALMI thanked the Board members for their confidence on choosing him for the post of Secretary to the Board. He could accept it only because he knew that he could count on the support of the Board, and stressed that he did not have all the qualities mentioned earlier to make this a permanent position. The members should not hesitate to contact him if they needed or wished to.

THE CHAIRMAN asked the Board members to provide their full contact details to the Secretary. He thought that this had been a very good meeting, with an excellent ambiance. The interventions made had shown that all the participants were very much of one mind, and could accomplish something very important together. He was counting on their active participation in the work of WADA as it moved forward.

The meeting was adjourned at 4.35 p.m.

FOR APPROVAL

MR RICHARD W. POUND, QC
PRESIDENT AND CHAIRMAN OF THE BOARD