

Written Testimony of Mr. Rob Koehler, Deputy Director General of the World Anti-Doping Agency (WADA), delivered before the United States Congress on Tuesday 28 February 2017

The World Anti-Doping Agency (WADA) was established in 1999 to promote, coordinate, and monitor at the international level the fight against doping in sport. WADA is an international, independent agency that is responsible for the development and implementation of the World Anti-Doping Code (Code), the document that harmonizes anti-doping policies in all sports in all countries. WADA oversees and works in cooperation with a network of stakeholders in government and in the sports movement, each of which has its own specific set of roles and responsibilities. Our key activities include scientific research, education, development of anti-doping capacities, monitoring of the Code, and, more recently, investigations. WADA is composed and funded equally by the sports movement and the governments of the world, and it is worth noting that the United States is the largest contributor to WADA of any country worldwide, and in 2016 contributed USD \$2.15m of WADA's total USD \$27.5m annual budget. WADA has indeed enjoyed a constructive and supportive relationship with the United States government since the Agency's inception.

WADA has come a long way in 18 years and on modest means. Amongst our successes, we can count: the introduction of three iterations of the World Anti-Doping Code, which has introduced consistency to anti-doping rules and processes, where previously there was disparity; the introduction and ratification in record time of an international UN treaty called 'The UNESCO International Convention against Doping in Sport' (this has now been ratified by 183 of 195 states worldwide); the establishment of lasting relationships with the likes of INTERPOL and the World Customs Organization in the law enforcement industry, and with pharmaceutical giants, Pfizer, Roche and GlaxoSmithKline; and, as is well known by now, the initiation of groundbreaking, independent investigations that uncovered institutionalized doping in Russia which have transformed today's sporting landscape.

As is evident, WADA has come a long way in its relatively short 18-year history. It is the past two years, however, that have placed the Agency – and the broader anti-doping movement – in uncharted waters. In light of, initially, the findings of the Pound Report 9 (into widespread doping in Russian athletics), and then subsequently, the findings of the McLaren Report Part I (into the institutionalized doping conspiracy and manipulation of the doping control process in Russia), the anti-doping community was faced with

an unprecedented situation, and subsequently entered a period of reflection to ensure that the collective effort to fight doping would be strengthened, and to ensure that WADA, as the international leader of the clean sport movement, would be fit to face the challenges of the future.

WADA listened to a series of proposals made by its stakeholders in the second half of 2016, and then in Glasgow, Scotland on 20 November, during WADA's Foundation Board meeting, the Board – which is comprised of the sport movement and government – reached a consensus on a number of recommendations that would strengthen and empower WADA to enhance its leadership role, and help protect the rights of clean athletes worldwide. At the heart of this new way forward were three main priorities:

1. First, the need to enhance WADA's investigations and intelligence-gathering capability. This work has already begun, with the arrival of a new Chief Investigative Officer, Gunter Younger who had 30 years' experience in law enforcement with Europol and Interpol, before serving on the Pound Commission. Mr. Younger's department – which runs entirely independently of WADA Management – has plans to grow from two to six people, and when at full strength, will help the Agency make significant headway in detecting and deterring doping. The investigative work commissioned by the Agency over the past two years has proven how effective investigative work can be to the protection of clean sport.
2. Second, WADA's new Whistleblower Program ('Speak Up!') has been approved and will launch in the coming days. As the last couple of years have shown, informants and whistleblowers are invaluable to anti-doping, and so WADA deemed it important to formalize their role (in the anti-doping process) through the introduction of a Program and supporting Policy. We recognize that speaking up against doping is a courageous and bold act, and so by introducing the Program, we hope to encourage informants and whistleblowers to come forward with information regarding doping. The Whistleblower Program will be underpinned with the necessary legal framework to guarantee whistleblowers' confidentiality and safety, and will demonstrate how highly we value their information and intelligence. And whilst WADA does not possess the legal powers [of a law enforcement agency] to compel individuals to speak about doping practices, we have struck important partnerships with the likes of Interpol and the World Customs Organization so that we can share significant information on doping practices, and so that those organizations can use their legal powers as it relates to criminal practices. Furthermore, using the same network, we can ensure that before the name of a whistleblower is

revealed (at his or her demand), the relevant law enforcement agency is aware and ready to ensure protection if necessary.

3. Third, and perhaps most important, is WADA's ISO-certified World Anti-Doping Code Compliance Monitoring Program, which will be the most thorough review of our stakeholders' anti-doping programs that has ever taken place. It will raise the standards of the entire clean sport community, and in turn, reinforce athlete and public confidence into the standards of anti-doping work. As part of this program, we have issued a Code Compliance Questionnaire to all our Signatories that will help us better evaluate the current state of their anti-doping programs, and we have also launched a rigorous Audit Program into at least 10 National Anti-Doping Organizations or International Sport Federations in 2017. This Audit Program will be conducted by trained individuals from WADA and external experts in anti-doping.

We recognize that this new Compliance Monitoring Program will only be effective if supported by meaningful, predictable and proportionate sanctions for those organizations that subvert anti-doping rules. And that is why our Foundation Board endorsed in principle a new Graded Sanctioning Framework that would clearly, consistently and predictably set out the consequences for non-compliance by one of WADA's signatories; and, as a result, would deter organizations from becoming non-compliant. Once it would enter into force, the system would be a game-changer for the clean sport movement. Crucially, this new system has the backing of the clean athlete community worldwide.

WADA is resolutely focussed on these three priorities, amongst its numerous other activities, however we are also conscious that these new strategic undertakings will require a significant new level of funding if we are to realize our mission to protect the clean athlete. That is why the Agency, along with its Finance Committee, is in the process of developing a 'clean slate' draft 2018 budget to reflect this new level of work. This budget will be presented at WADA's next Foundation Board meeting in Montreal just a couple of months from now, and will be a very interesting indication of the financial resources required for WADA to continue to expand its role.

Twelve months ago, we spoke of being at a 'crossroads' in the fight against doping, but today I can stand before you and clearly state that the anti-doping movement has chosen its path, and is well underway on the journey of building on its accomplishments, with a strengthened, empowered and independent WADA at the helm.



Thank you.
