

## **Transcript of Relevant Portions of September 20, 2018 Executive Committee Meeting**

Prepared by Covington & Burling

### **6. World Anti-Doping Code**

#### **– 6.3 Russia**

MS. SCOTT: Thank you Mr. Chair. I think I would be remiss if I didn't bring the perspective of the athletes of the world to this table and while I understand the desire to accommodate Russian athletes, I think we also have to make sure that we listen. There has been an unprecedented global uprising of the athlete voice around this decision. Members of the WADA Athlete Committee, the IAAF Athlete Committee, the IBU Athlete Committee, the UK Athlete Committee, the German Athlete Committee, the Dutch, the US and Canadian Athlete Committees have all spoken with one common position and that is to not reinstate before compliance has been achieved. I am fully supportive of Clayton's proposal to trigger compliance as soon as the terms of conditions are fulfilled but the athletes do not believe this is serving them or the future of clean sport and so I urge you to make a decision based on who your constituents are, who you are serving and who you are accountable to because I do believe this is a defining moment for WADA and you have to make the right choice here. That's all I have to say. Thank you.

THE CHAIRMAN: Thanks very much. Before I say anything, Jonathan do you have any comments in particular of why I think you want it done now.

MR. TAYLOR: Thank you Chair. Thank you everyone for their comments, both for and against the recommendation. Let's be no doubt. The only disagreement is how do we best achieve access to the samples and the data. No one disagrees that we must do it for the sake of the credibility of WADA and for the sake of clean athletes. I do accept as a reasonable argument to say comply now, reinstate later. I believe it is appropriate and in fact important to reinstate now on condition of compliance by the end of the year. Please be clear, with respect, I don't think that the date is a detail. From my perspective, I strongly, strongly recommend that it be 2018, not January 2019. If year-end is not a good idea, bring it forward not backwards please. I understand and respect the views of those who say comply then reinstate. The reason I say reinstate and then comply is because we have a stronger and better chance of getting the data if we do it that way round so I do respect the opinions. I am not interested in compromising the fight for clean sport. I do not believe that this recommendation does that. I think that this recommendation improves the chances of defending clean athletes in Russia and elsewhere. I ask you to adopt the recommendation with a date in 2018 but I also again ask you to make clear because this is vital and we do have to listen to what people say on the outside of this room. We need to send them a message that as far as this Executive Committee is concerned, if you do reinstate them subject to meeting these conditions but if these conditions are not met, the response will be unequivocal from this Executive Committee. Thank you Chair.

THE CHAIRMAN: Thank you Jonathan. Yes?

MR. COSGROVE: I'm sorry if I am way-laying you, sir, your body language speaks volumes. Could I just ask, I asked a question about would a delay impact or weaken the proposition that Jonathan is putting forward. Is it possible I could get an answer please?

MR. TAYLOR: My only answer, I'm certainly not, I respect the need for people to consult appropriately. My only answer is the delay that I am concerned about is as to when we get the data and I am concerned about a decision that is made in November whether we can still get the data in 2018 but it's not for me. It's an important issue whether there's been appropriate consultation and people are ready for decision. So that's all I want to say on that.

THE CHAIRMAN: Thanks Jon. And let me respond to two things you said Clayton. The first is if you think I have overstepped my mandate as the President of WADA, I would have been grateful to receive that comment after I wrote to Russia in June, not now. Secondly, I do not believe that delay serves anybody, particularly athletes. We end up with this never ending debate for another three months. Nothing will change. Nothing has happened from Russia, nothing has happened from Russia until the good work of the CRC in June suggesting to them that progress is possible and that's what they have done.

Clearly Linda you have asked for a vote, there will be one. I do not believe that delay serves this organization well and I do not believe that it serves the athletes well and I will try very hard not to get emotional about any of this. As your President, I will be interested deeply and will vote accordingly to protect my Compliance Review Committee who was set up to do precisely what they are doing and I say that despite the horrible abuse that I have suffered over the last two-three weeks since this was leaked into the newspapers. So now I think we should proceed and I think we've had the meeting opened, we've expressed our opinions forcibly and well, and I think that is healthy but I actually think we should now decide whether we accept the CRC recommendation as printed here or whether we do not. The only question is the date, discussion about Christmas-New Year holidays, Patrick I think, which apply presumably everywhere or whether you stick with the end of December. I am happy honestly either way. Jonathan do you have a particular view there?

MR. TAYLOR: Mr. Chairman, sorry but with my legal hat on you've had a motion to delay consideration of this recommendation. You've had a motion to delay the recommendation of the resolution. I think that has to be decided first.

THE CHAIRMAN: Ok. There was a motion that we delay. Those of the view that we delay, please show. The proposition was made that we delay this until the meeting in Baku. Those in favor, please show. Three in favor. Oh sorry, one, two, three, four, five. Ok those against delay. Five. OK. We're tied. I have- oh sorry, there's a discussion under way. Trust me. Ok let's wait a moment, I think it's important that everybody expresses their view in this situation. Ok I'd say this is not the way to conduct a proper meeting. I suspend the session at the moment. I think lunch awaits somewhere and I think we should go and people who want to speak to each other, feel free and happy to do so and we will come back and deal with it immediately after lunch. 30 minutes maximum for your lunch.

## **8. Athletes**

### **– 8.1 Athlete Committee Chair report**

MS. SCOTT: Thank you Mr. Chair, and I think before I begin with my report I've actually got a video from the Global Athletes Forum, the first forum that was held this year in Calgary, Canada. Maybe we can roll that to kick things off a little bit--that'd be great.

MS. SCOTT: Thanks to WADA for creating that for us. It was, as you can see from the video, quite a successful event and we had over 100 athletes from 54 countries gathered together in Calgary to discuss and engage and become educated on different programs that WADA has but most importantly to become vocal members of the anti-doping community which I can't stress enough the importance of the athlete voice.

So we also used the forum as an opportunity to present the first draft of the charter. That's another big project that we have been working on. We have revised it and have got it completed now to the point where we are working with the Code drafting team to have it implemented into this coming edition of the Code and we're quite pleased with the progress on that and advancing it well.

I must say that I am disappointed that the dialogue didn't take place between the WADA Athlete Committee and the Management when it was decided that there was not going to be a forum this year. I think I would have appreciated to be a part of that conversation especially because the Athlete Committee feels very strongly that this was a very positive and constructive and important event and again because athletes are your constituents, it is a valuable and worthwhile endeavor and I would propose that that we revisit that decision and potentially host another forum.

You'll see in the notes as well that unfortunately this forum also attracted and generated a fair amount of criticism from the IOC Athletes' Commission in particular, together with their colleagues from the continental athlete commissions. You've got your letters in the documents, you have my responses as well. I believe the bulk of it was around the way that invitations were managed and then the diversity of the speakers and panelists. I think I will let Danka speak further to that if she wants to but I'm happy to defend the way the invitations were managed and I'm also happy to speak to the diversity of the speakers and panelists that were gathered at the forum. I felt that we did a very good job in fact of ensuring that we had experts, that we had world leading speakers and panelists and that the athletes genuinely who responded to the survey that was sent out were very happy and pleased with the amount of information and the quality of the forum so I think I need to speak a little bit though to the criticisms because while I was disappointed by this incident led by the IOC Athletes' Commission, I have to say that unfortunately I was also not surprised. It's become fairly predictable, sort of pattern for the IOC Athletes' Commission to attack the WADA Athlete Commission and undermine and discredit it and this has been going on for about two years. It's reached the point where I have actually asked for an intervention from management because quite frankly I've lost my patience. My question is what is the end goal with all of this. I don't understand why the WADA Athlete Committee is under such scrutiny from the IOC Athletes' Commission or how some of the behavior is justified. We are a Committee that is gathered and assembled for the purpose of promoting clean sport and being the voice of the clean athletes and why we are continually and routinely subject to the kind of behavior that we are is actually beyond me. If we really are all on the same page and we really are all striving for the same goal so I feel that the time is now to deal with this and I would ask Management to intervene and I have been reassured that you would and may be you can speak to that if you want Fred if you would like to but honestly I think the WADA Athlete Committee has reached the point where we don't feel that the IOC members on the Committee are there to contribute and to collaborate but more to

compromise and to impede the goals and objectives of the Committee and we're unhappy about this, and very unhappy in fact that and I think we need to talk about this.

So that concludes my report, unfortunately on a negative note but overall the remainder of the Committee is doing quite well and still very much inspired and motivated and engaged and speaking on behalf of clean athletes. We are having our next meeting is in Baku. The members have actually requested to meet there in order to be a part of the WADA Foundation Board meeting as well, to observe them because they are interested in the process so that concludes my report. Thank you and I'm happy to take any questions.

THE CHAIRMAN: Thanks Beckie. Marcos.

MR. DIAZ: Thank you very much Mr. Chair and thank you Beckie for your report. I just wanted to add that a public attack by anyone to the WADA Athlete Commission publicly is attacking the organization and I think we are in the same page, that we've got to solve our problems in the room, not outside and that applies to every one of us and I think from some, an article coming from our colleagues, I don't think it is acceptable to publicly attack the organization by pointing the finger like that to the WADA Athlete Commission. Thank you.

THE CHAIRMAN: Thanks. Anybody else? Beckie, I thank you for your candor. I think I saw Danka first this time. Danka please.

MS. BARTEKOVA: Thank you Mr. Chair and thank you Beckie for your report. I would like to react on the statement that you have said and I would start firstly with no intention from the IOC Athletes Commission to attack or in any way discredit the WADA Athlete Committee. We obviously came to the point where we a little bit disagree on the things but we never had any intention to react on what you are saying or expect the reaction from you on what we are saying publicly and we always offer to discuss things between us and I am not aware of any insultation or any public discreditation of WADA Athlete Committee. In fact we are part of the WADA Athlete Committee. Our four members from the IOC Athletes Commission are part of WADA AC and I don't have a feeling that we would in anyhow or any kind of attack of the integrity of WADA AC.

In term of the athletes' forum that was held, I have to say that we, IOC Athletes Committee, are putting a lot of effort in building an effective structure of the athletes' commissions all over the world and we would expect that this network of commissions would be in a way, this would be a first structure that you would go into in distributing the invitations and we were approached by the continental chairs sending us letters and sending open letters to you saying they were not invited from their positions as AC Chairs, continental AC Chairs, so this is something that we forwarded to you and of course we were not very happy about the diversity of the speakers on the forum and then the participation of athletes representing not properly all the continents and all the sports.

We understand that this is a first forum but we didn't want to insult you or discourage you to organize the forum. We wanted to simply show you that we would expect you to or maybe we would expect you to continue in a better diversity of the speakers and bringing more sports and more representation to the table when you want to speak on behalf of the global athletes. That was simply the action that we took. It was not intended to be insulting and we were not really intending to discredit the activities of the WADA AC and I would basically just like to say thank you because you were a leader and you still are a leader in bringing the anti-doping charter of athletes' rights together and we really perceive you as a leader in this. You are the boss of clean athletes, your agenda is anti-doping and you are a great help of bringing the rights of the athletes in the anti-doping charter together which is something that we should be thankful for and we are counting on you to be part of the charter that we are preparing and this is something that we clearly stated from day one and that we are still stating. Actually my intervention was about to be to reassure you that

we want to cooperate still and that we want to meet and discuss the things together that we have and I would like to put it in the statement of the EB, in the record, that I would like to extend the welcome and offer from the IOC Athletes Commission to sit to the table and discuss things together because this is what we should do. Thank you.

THE CHAIRMAN: Clayton, I think you are next.

MR. COSGROVE: It's a question on the funding issue that you raised, Beckie. We discussed it briefly in the budget and the Director General listed some priorities that may be higher than funding for athletes' forum. Do you have a response on behalf of the athletes? Is the charter more important than the forum? What would you like to see in respect of forum monies? Another forum number one for the athletes or are the other priorities the Director General indicated were more important, are they priorities for athletes?

MS. SCOTT: Thank you for your question Clayton. Actually, sorry.

THE CHAIRMAN: You know the rules of the game. All the questions first and then all the answers. Any other questions of the discussion that's going on. Patrick?

MR. BAUMANN: It's not really a question, may be just a comment. First of all I think it's good to know how everyone feels and that's in order and certainly I would say that from the sports movement, and I think Danka spoke for the Athletes Commission, but we are also having our share of frustration. I am not saying that our patience I think is not gone out, we have it we don't have a problem with that but I think that from our perspective the history of how the WADA Athlete Commission has been created and how it has been run and then finally how it has been, and that's a perception, probably wrong and so I don't know but at least the feeling is that it has been used in order to create a certain atmosphere around this body which is mainly negative towards sports movement generally and towards those that have functions in the sports movement. And that is certainly something we don't feel extremely comfortable and I think here the discussions that we will be having here in the strategy future, in the governance. Now is what is the scope of all the commissions, of all the permanent commissions also and how far do they go being an advisory board or being in the Executive Committee or being a consultative body or whatever and I think that's where I think we need to have a frank and open conversation but I don't think, at least from my perspective, we don't see that there is a need to replicate or mirror the IOC within WADA. Whatever body the IOC has, we try to replicate them also in WADA and that is not necessary because otherwise we would have an incredible organization that we can't any more manage. That's more of a governance question but I also wanted to at least share some of the feelings that we may have in this particular respect.

THE CHAIRMAN: Thank you Patrick. Madam El Fadil?

MS. EL FADIL: Thank you Chair. I would just like to reflect that this has been discussed in the public authorities meeting and our common position on it is we took note, or we took into account the concern raised by the Athlete Committee who have complained that there is lack of support from WADA management but if you allow me Excellency, I would like to suggest that when there is differences, my proposal goes in agreement to what's been said by IOC that we should have the trust in each other to sit and discuss the differences, to feel that WADA is one and I would like also the permission from the members to say that. I'm still the newest member in this room, I'm only one year since I joined and I feel generally speaking, and you can correct me but this is my feeling that there is a feeling of antagonism and lack of trust among the members, whether speaking about the relationship between the public authorities and the sports movement. I don't generalize but that's my feeling. We need to look for a way that will let us feel that we are one. So making WADA strong is for the benefit of the athletes and it is for the benefit of our common goal

which is clean sport. This is our common goal. So as on the side of the governments the others on the side of the sports movement, please we need to talk to each other more, we need to look at mechanisms that really make WADA more stronger because if there is any weakness happens to WADA as an organization that means all of us would lose, no winner in this, so this is generally speaking from someone who joined this forum recently, please let us look for the strategic objectives of this forum which is to have clean sport and to support the athletes, today's athletes and the future athletes. Thank you.

THE CHAIRMAN: Thank you very much. Thank you for my promotion I am not an excellency of any type. On behalf of management, Olivier:

THE DIRECTOR GENERAL: Just a few points to answer Beckie. First of all we did have a meeting both Fred and myself, a different one but, and we discussed the relationship and certainly the way forward. As I said earlier today I think the priorities for the next 15 months is clearly the Charter so that links to the discussion on the Forum it's not a matter of money I mean the Forum has not been a very expensive exercise it's a matter of deciding and I said we would discuss it with you and certainly discuss with the Athlete Committee in Baku on how to best manage the process for the Charter, the consultation and how we move that forward, so the idea was that next year in the year of code revision, standards and all that and that we should have a focus on that and where it's going to take place we can have a discussion on that but we have a number of already planned events and the question is going to be and we are happy to have the discussion with you Beckie absolutely is where is the best forum to have the discussion on the Charter. Speaking of the Charter I was, we've been reassured at least at our level that the intention is clearly for the anti-doping charter to be part of a broader IOC charter so that is absolutely still the intention and I think therefore it is important that we rebuild this bridge between the two committees and I am encouraged by Danka's words so that we can ensure that all the good work that you are doing Beckie with this Charter ends up being part of the main document so I think the feedback we got and we told you we would do it and we did it is positive and rather constructive and I hope this is the road we are going to take.

THE CHAIRMAN: Ok. Any more questions of Beckie? Francesco.

MR. RICCI BITTI: It's not a question to Beckie, it's a remark. I was very surprised of Beckie's attitude, victimistic. I know her from a long time and I believe that everybody was supporting the WADA Athlete Commission as the athletes played an important role but I would say perhaps again for the Russian case or for the last environmental difficulties, I had the feeling totally the opposite of Beckie. This forum was a platform to promote some position. I don't think this is of general interest. What you want, you want support on that? So we respect your idea but people that says that so will I believe that WADA's job is different and I am very scared about the charter too because it is a principle-based document, we do not need so many documents, additional documents. I would like to keep an eye and as the Olympic movement I can assure you, through the athletes that are very qualified, and ourself too we will keep an eye on that because we don't want another document that is a promotional one. The athlete plays a good role but they have to keep their place as everybody. Thank you.

THE CHAIRMAN: Thanks, anything else? Beckie. Oh, your partner, Ed.

MS. SCOTT: Exactly what platform was being promoted for me at the forum? That's my only question.

THE CHAIRMAN: I'm not sure that Francesco heard you.

MS. SCOTT: You stated that I used a forum and I think I need to clarify here that this was not just my forum, this was a WADA forum. So leadership, feel free to intervene and show some support as well at any point if you please. You have suggested that the WADA athletes forum was a platform for promoting something for me?

THE CHAIRMAN: Beckie, if you want an answer, you've got to switch your mic off.

MR. RICCI BITTI: Beckie, you know that I have a very good relationship with you historically and that I consider you very important for the system. Apart from that you start your report in a victimistic way saying that you were disturbed by the attitude of the athlete commission of the IOC, or the non-cooperation. I have to confess you that the feeling of a person that is not involved with the athletes, even if I was an athlete so I have some experience too, perhaps not so good like you but I was a good athlete. Anyhow the feeling that we got from what was the outcome of this forum was the promotion of the forum to promote some position or some particular situation, like the Russian case and so on and so on. So I don't see your report, really the feeling that we got from the press from that was not exactly a feeling of victimistic, that you were in trouble because somebody did not cooperate. I think it was a very good platform and very partisan platform.

THE CHAIRMAN: Ok who's next? Linda.

MS. HOFSTAD HELLELAND: Yeah, I think it's very sad to hear about this happening. It should not be like this and I wonder because our President he attended the Conference so I would like to hear a clarification and the President's point of view on the situation because I don't know what to believe and I can't really understand how we are listening to a discussion like this so please Craig if you could make some comments on how we look at this from your point of view and the leadership of WADA. What do think about this?

THE CHAIRMAN: Beckie do you want me to do that now or do you want to answer the questions? Jiri you first.

MR. KEJVAL: I am concerned about the discussion. In general I have to say this is our fault. Mostly because we have two groups and both groups, they have different rules. Some they are elected who they put into position. We put them together and it does not work. I think it is important for us to sit down to find a solution because I think it is the best way to do.

THE CHAIRMAN: Thank you. Ed we have not heard from you yet please.

DR. MOSES: I have not said anything most of the day but I've really taken offense to the very aggressive, in fact passive-aggressive behavior that I'm seeing right now. My observation is that the IOC Athletes' Commission member saying how you didn't mean to beat up on Beckie, and you're really sorry and everything then I hear Patrick saying that you don't understand why the WADA Athlete Commission practically even exists and why you should be trying to duplicate what the IOC is doing and then I hear Mr. Ricci Bitti claiming that she is playing the victim and I think it is very, very a high-level and sophisticated game of passive-aggressive behavior and they are taking out on her and I don't appreciate it at all.

And furthermore I don't really appreciate the comments that were made at the last Executive Committee meeting towards myself and Beckie in terms of us being able to even have a position on the floor. We don't have a vote and I think it's a real tragedy that Beckie doesn't have a vote as a member of this body and a member of the Athletes Commission. To me it makes no sense why she doesn't have a vote on this commission and in all matters and I'm really just as upset as Beckie. It's a very personal and emotional scenario that we've gone through here today and I would

like to say just one thing, that I can assure you that Beckie represents more athletes around the world in her position than the IOC Athletes' Commission. I think it's clear and I think that the numbers show it and the representation and the people who have been supporting what she's been trying to do, the numbers are starkly different and it really upsets me.

THE CHAIRMAN: Ok thank you. This is not the forum for this prolonged debate. People have made their statements and I'll answer Linda in just a moment. I take from this rather elegant comment from Danka that she is happy to sit down with the Athletes' Commission, and speak Beckie with the WADA Athlete Commission, and with some luck you resolve your difficulties.

As far as Calgary is concerned, I was very keen to go back to Calgary because I hadn't been in Calgary since 1985 and that was the day that my sport became an Olympic program sport so I thought Calgary was a good idea. We, WADA Management, have always been supportive and allowed the WADA Athlete Committee, pretty much a clear run of whatever they wanted to do. I was invited to the forum and was happy to go and my participation consisted of, I think, two hours on the first morning with Olivier answering questions. From that minute on, I was asked to leave and I left the athletes to do what they wanted to do.

Clearly if we are having that kind of discussion, how you stage-manage them and organize them might be different and I think that's where we are. If we need to talk about how we organize fora, let's do it and I don't think it is healthy at all to have the kind of recriminations that have been going on at the moment. Beckie, I don't really want that to continue so my message quite clearly to management as they take this on and to you is that you get together with the people speak because I share the view because I was involved in this two years ago to make sure that the work you were doing on the charter was then picked up by the IOC to be included in their charter and I am very pleased to hear that is what is going to happen.

THE DIRECTOR GENERAL: I just want to say that it is difficult that everybody is seeing that the other has a hidden agenda and I think that's not the case. I mean, this forum was organized in good faith, it was not perfect, and we've acknowledged that. I mean, you know this was the first forum, we'll take that on board wherever we organize but I think that the most important thing is that, as was said by Madam El Fadil, there is a bit of trust that is rebuilt. It's not opposing the IOC Athlete Commission and the WADA Athlete Commission. It is actually athletes and you are all athletes and I would imagine in that spirit we should be able to make sure that everybody does its work going in the right direction and I truly believe that we have an opportunity to do that. The WADA Athlete Committee has embarked in this important project which is the Charter and we will support that and there is a lot of work to be done, there are legal implications, there's a lot of matter and I think we should now really focus on that and work in good collaboration and good spirit so that we can achieve an important task that is now in front of us.

THE CHAIRMAN: Thanks very much. Can we move back then please to 6.5...