





WADA Governance Review: the Gaps between World Players Reforms and Working Group Positions

The Governance of WADA

WORLD PLAYERS PROPOSAL	WORKING GROUP POSITION
 <p>PILLAR #1 ESTABLISH A TRIPARTITE PARTNERSHIP IN THE FOUNDATION BOARD</p> <ul style="list-style-type: none"> • Athletes become bound by the WADA Code but have no representation in creating it. • The solution lies in extending the bilateral partnership between the sport movement and the public authorities to the athletes and creating a tripartite partnership in which all three stakeholders have equal representation. • Athlete representatives should be determined in accordance with the three essential actions set out below under 'Athlete Representation'. 	<ul style="list-style-type: none"> • Says the 'equal partnership between public authorities and the sport movement' cannot as general principle be diminished vis a vis other stakeholders. That is, it does not consider athletes equal partners. • Perpetuates conflicts of interest with four 'athlete seats' tied to the sport movement. However, these athletes have a legal duties and obligations to the sport movement which may not be in the best interests of athletes. • Two additional seats have been proposed for the WADAAC, although this is to be reconstituted as a representative body that excludes player and athlete associations from WADA's decision-making processes.
 <p>PILLAR #2 ENSURE THE EXECUTIVE COMMITTEE AND LEADERSHIP OF WADA IS FULLY INDEPENDENT</p> <ul style="list-style-type: none"> • All Executive Committee members should be independent of sport, government, and athletes. • The Executive Committee should be equally accountable to the sport movement, public authorities and athletes. • The Executive Committee should have the requisite skills, experiences, and diversity to lead the world's anti-doping effort. • It should be of a size that ensures it operates strategically and makes informed, knowledge-based, and objective decisions without the suggestion of political influence or conflicts of interest. • Executive Committee members should not hold current office within the sport movement, a public authority and as an athlete representative. • A reasonable cooling-off period (such as two years) should apply to Executive Committee membership. 	<ul style="list-style-type: none"> • Retains conflicted model of stakeholder representation between sport movement and public authorities. • So-called 'independent Executive Committee members' are ultimately appointed from among the sport movement and public authorities with no cooling off periods required. • Seeks to expand the size of the Executive Committee which may not enable more effective decision making. • In many ways, continues with the problematic duplication of the Foundation Board, thereby highlighting conflicts of interest and undermining the accountability of the Executive Committee. • The Executive Committee continues to lack any meaningful and formal accountability to athletes given that it remains accountable to the Foundation Board in which the athlete voice is marginal.



The Governance of WADA (continued)

WORLD PLAYERS PROPOSAL	WORKING GROUP POSITION
 <p>PILLAR #3 REFORM THE GLOBAL ANTI-DOPING SYSTEM OF ARBITRATION AND JUSTICE</p> <ul style="list-style-type: none"> • Reformation of the governance of WADA requires the strict separation of powers between the legislative, executive, and judicial functions of the global anti-doping system. • This is required to ensure public and stakeholder confidence, and that decisions are rendered in a timely and rights compliant way. • Critical decisions on compliance must not be perceived as politicised through conflicted governance structure. 	<ul style="list-style-type: none"> • Access to effective remedy and reformation of the Court of Arbitration for Sport (CAS) were excluded from the scope of the Working Group process. • No meaningful action taken to address these challenges.
 <p>PILLAR #4 EMBED THE INTERNATIONALLY RECOGNISED HUMAN RIGHTS OF ATHLETES INTO THE GOVERNANCE, ACTIVITIES AND RELATIONSHIPS OF WADA</p> <ul style="list-style-type: none"> • Guaranteeing that WADA and the global anti-doping system is governed in a way that protects and respects the human rights of those most affected by the system – the athletes - is essential. • World Players has separately shared an 'Athlete Rights Impact Assessment' with WADA a first step to ensuring this can be done. 	<ul style="list-style-type: none"> • Despite athlete representation being a central question for the Working Group and a matter of human rights, the human rights of athletes were excluded from the scope of the Working Group process. • No meaningful action taken by WADA in relation to the Athlete Rights Impact Assessment proposal.



Athlete Representation

WORLD PLAYERS PROPOSAL

WORKING GROUP POSITION



ATHLETE REPRESENTATION IS A MATTER FOR THE ATHLETES. THREE KEY ACTIONS FOR WADA, THE PUBLIC AUTHORITIES AND THE SPORT MOVEMENT

Action #1: Commit

to uphold their international obligations, including to protect, respect and fulfil internationally recognised human rights, including the rights of athletes to freedom of association and to organise and collective bargaining;

Action #1

Despite WADA's special responsibility to protect internationally recognised human rights as an agency of business and government, it is yet to make a commitment to uphold these rights including as they relate to freedom of association and athlete representation.

Action #2: Recognise

and promote the representatives of those athletes who have exercised their right to freedom of association, starting with World Players, and promote respect for that right throughout the global anti-doping system; and

Action #2

The Working Group position clearly maintains that the position of athletes in relation to the governance of the global anti-doping system will at best be marginal. In relation to the players and athletes represented by affiliates of World Players it is non-existent.

Action #3: Do no harm:

not act in a way which undermines or violates the rights of athletes to be represented in accordance with their internationally recognised human rights.

Action #3

The Working Group contemplates several restrictions on who can be an athlete representative within WADA. In doing so, it is effectively drawing on the athlete commission and committee model used, favoured and promoted by the sport movement that has been recommended for review and reform by internationally renowned experts in an expert report commissioned by the International Olympic Committee.

The restrictions conflict with principles of freedom of association and may harm athletes in many ways including by:

- excluding established, strong, and independent representative bodies such as World Players and its affiliates will exacerbate existing power imbalances in global sport;
- depriving athletes access to the same experience and expertise that public authorities and the sport movement can draw upon from the spheres of law, politics, business puts them at a significant disadvantage in advancing their interests; and
- volunteers on a consultative or advisory committee, no matter how well intentioned, cannot replicate the level of professionalisation, service or representativeness provided through player or athlete associations.

