



ELSEVIER

Contents lists available at ScienceDirect

Sport Management Review

journal homepage: www.elsevier.com/locate/smr

Achieving compliance in international anti-doping policy: An analysis of the 2009 World Anti-Doping Code

Barrie Houlihan ^{a,b,*}^a School of Sport, Exercise and Health Sciences, Loughborough University, Loughborough, LE11 3TU, UK^b The Norwegian School of Sport Sciences, Oslo, Norway

ARTICLE INFO

Article history:

Received 20 December 2012

Received in revised form 5 August 2013

Accepted 4 October 2013

Available online 8 December 2013

Keywords:

Doping

2009 World Anti-Doping Code

UNESCO

Compliance

Monitoring

ABSTRACT

Despite the rapid acceptance by sports organisations of the World Anti-Doping Code and ratification by governments of the UNESCO Convention Against Doping in Sport there remains a concern that formal implementation disguises shallow compliance or depth of commitment. The paper distinguishes between adherence, implementation and compliance and examines the ways in which compliance has been measured by the World Anti-Doping Agency (WADA) and UNESCO. The aims of the paper are to evaluate the effectiveness of the current procedures for measuring and enhancing compliance and to suggest ways in which measurement could be improved and compliance strengthened. The research is based on an analysis of survey tools used by WADA and UNESCO to assess implementation and compliance; an analysis of recent International Observer reports published by WADA; and a series of interviews with anti-doping staff in international and national anti-doping organisations. The research found that the current survey tools are better at assessing formal implementation than depth of compliance and that recent International Observer reports indicate a significant concern with inadequate compliance among some event organisers and some participating countries. The factors that affect compliance are reviewed and suggestions are made regarding the strengthening of the monitoring of compliance, the improvement in compliance with the formal requirements of the Code and the deepening of day to day compliance. It is concluded that the rapid acceptance of the Code and Convention has masked the more difficult issue of developing the depth of commitment that is necessary to tackle the more complex issue of trafficking and the increasingly sophisticated doping strategies of some athletes. It is argued that changes are needed to the current monitoring and compliance systems if the current momentum in anti-doping policy is to be maintained.

© 2013 Sport Management Association of Australia and New Zealand. Published by Elsevier Ltd. All rights reserved.

1. Introduction

The establishment of the World Anti-Doping Agency (WADA) in 1999 was a watershed moment in international efforts to tackle the problem of doping in high performance sport. In the first ten years of its life WADA made substantial progress not only in consolidating its position as the focal organisation for anti-doping activity, but also in developing a global policy regime to combat doping in sport with the publication of the World Anti-Doping Code in March 2003 and the agreement of the UNESCO Convention against Doping in Sport in October 2005 being key landmarks in the regime's development.

* Tel.: +44 0 1509 226364.

E-mail address: b.m.j.houlihan@lboro.ac.uk

Krasner defined a policy regime as the 'principles, norms, rules and decision-making procedures around which actor expectations converge in a given issue-area' (Krasner, 1983: 1; see also Young, 1994). In the years since the establishment of WADA the regime has acquired many of the features associated with the more formally articulated regimes (see Hasenclever, Mayer, & Rittberger, 1997; Hasenclever, Mayer, & Rittberger, 2000; Young, 1994). First, the regime exhibits a significant degree of stability in the pattern of relations between core actors. Core actors in relation to doping are governments, international sports federations (IFs) and event organisers especially the IOC. WADA is funded jointly by governments and international sports organisations and both these sets of interests have equal representation on the WADA Foundation Board and Executive Board. WADA has a number of regional offices which also fulfil the function of ensuring that the network of relations between key actors is maintained. Second, there is now a stable group of core actors which drive policy. The core group of actors includes UNESCO, the European Union, the Council of Europe, a number of countries with a history of activism on doping such as Norway, Australia and Canada, the IOC and a selection of major Olympic IFs including those for track and field (International Association of Athletic Federations – IAAF) and swimming (Fédération Internationale de Natation – FINA). The third common feature of the more formal regimes is that key functions of regime maintenance, such as information exchange, policy review and the monitoring, verification and the enforcement of compliance, are fulfilled.

In 2002 the author analysed the draft of the World Anti-Doping Code (subsequently published in 2003) and assessed the challenges that faced WADA in attempting to achieve compliance from governments and from sports organisations (Houlihan, 2002). The progress since 1999 towards establishing the characteristics of the more formal regimes was noted as was the central role of the Code in providing a firm foundation for anti-doping activity by the regime. Achieving compliance was identified as the central challenge facing the new Agency with the lack of capacity at the national level in many countries, the ambiguous legal status of the Code and the need to overcome the distrust of 'governmental' agencies among sports organisations being the three most pressing issues. In the intervening years some of these issues have been addressed with, for example, the 2005 UNESCO Convention providing governments with a secure legal basis for acceptance of the Code. The 2003 Code was revised in the mid 2000s and the second edition was published in 2009. The 2009 Code was a much more ambitious document which posed substantial challenges in terms of a range of regime maintenance functions including compliance. It is the fulfilment of regime maintenance functions that is the point of departure for this paper which is concerned to analyse the extent to which and the means by which the functions of policy monitoring, verification and enforcement of compliance are fulfilled.

The research for this paper was conducted during 2012. In addition to analyses of the World Anti-Doping Code and the UNESCO Convention against Doping in Sport a series of additional documents were analysed including Independent Observer (IO) reports on major sports events held between 2009 and 2012.¹ Data generated by the biennial surveys of compliance conducted by WADA and UNESCO were also analysed as were the data collected by Houlihan and Garcia (2012) as part of their study of the use of legislation to control the trafficking in performance-enhancing drugs. The analysis of documents and data was supplemented by semi-structured interviews with two senior staff responsible for the implementation of the UNESCO Convention which were designed to clarify the author's interpretation of the UNESCO data.

2. The World Anti-Doping Code and the UNESCO Convention against Doping in Sport

The mission of WADA is 'to promote, co-ordinate and monitor at international level the fight against doping in sport in all its forms ... The Agency's principal task will be to co-ordinate a comprehensive anti-doping programme at international level, laying down common, effective, minimum standards, compatible with those in internationally recognised quality standards for doping controls ...' (WADA, 1999, p. 1). The Agency has a significant staff complement, a reasonably secure funding base, and an expanding network of working groups and standing committees. However, WADA's most significant contribution to the anti-doping regime is the publication of the World Anti-Doping Code. The drafting of the Code, which is now the recognised reference document for the anti-doping regulations of governments and international sports federations (IFs), was prompted by a series of weaknesses in previous attempts to tackle doping in sport including: the vulnerability of existing regulations to legal challenge on the grounds of the poor management of the process of sample collection and laboratory analysis; inconsistent penalties; the lack of consistency between the rules of the sample collection agency, the domestic federation of the athlete and the relevant IF; ambiguous jurisdiction; and the increasing litigiousness among athletes (Siekmann, Soek, & Bellani, 1999; Siekmann & Soek, 2000; Vrijman, 1995).

The 2009 Code is arranged in twenty-five Articles and compliance is dealt with in Article 23 (Acceptance, compliance and modification) and Articles 20 to 22 (Roles and responsibilities of stakeholders). The list of stakeholders is long and includes the IOC, National Olympic Committees (NOCs), IFs, National Anti-Doping Organisations (NADOs), event organisers, athletes and governments and for each stakeholder there is a list of expectations. Among the 12 paragraphs that outline the responsibilities of IFs are the obligations to 'adopt and implement anti-doping policies and rules which conform with the

¹ The Independent Observer programme is defined by WADA as a 'Team of anti-doping experts, gathered by WADA for a major sporting event, who monitor, audit and report on the doping control and results management processes at that particular event'. The experts are usually recruited from NADOs and have scientific, medical or doping control managerial expertise. Their brief is to certify that the doping control procedure had been conducted properly and to suggest areas for improvement. IO teams attend major international sports events at the invitation of the organising body although the presence of an IO team is increasingly seen as a normal feature of a major sports event.

Download English Version:

<https://daneshyari.com/en/article/140900>

Download Persian Version:

<https://daneshyari.com/article/140900>

[Daneshyari.com](https://daneshyari.com)