

Achieving Compliance With The World Anti-Doping Code: Learning From The Implementation Of Other International Agreements

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Research aim

The aim is to analyse the problems of achieving compliance with the World AntiDoping Code. The objectives are to analyse the context within which international agreements operate, to explore the techniques and problems for achieving compliance in broadly related areas, and to assess the comparative effectiveness of the World Anti-Doping Agency (WADA) and its major partners in achieving compliance.

Literature review

To analyse the problems that WADA faces in terms of eliminating doping in sport (recently highlighted by the exposure of state-sponsored doping in Russia and the series of doping scandals within Athletics), three inter-related bodies of theory have been identified as being of particular value. First, regime theory can provide insights into policies, policy impacts and governance arrangements. Krasner (1983) defined a regime as the "principles, norms, rules and decision-making procedures around which actors' expectations converge in a given issue-area" (p.185). Second, implementation theory compliments regime theory. Within top-down implementation, the central government's role is emphasised, implementation begins with the formation of policy objectives and implementation occurs in a linear fashion. In contrast, bottom-up implementation concentrates upon the actions of local level implementers and focuses upon the nature of the problem and the context within which implementation takes place (Lipsky, 1978). Third, the analytical framework was derived from Mitchell and Chayes' (1995) Compliance System, which comprises of the primary rule system, compliance information system and non-compliance response system. The compliance system provides a more detailed and sophisticated model of implementation and compliance and lies at the heart of regime theory in that implementation can be analysed in relation to each element. Although the compliance system is a popular framework that has been used within other research areas, it has yet to be used as a mechanism for analysing compliance within the anti-doping regime.

Methodology

The methodology included case study research comprising qualitative document analysis and semi-structured interviews. Conventions selected for analysis were the 'United Nations Convention on the Rights of the Child' and the 'United Nations Convention Against Transnational Organised Crime' (with a specific focus upon money laundering). The Conventions were analysed to identify the range of strategies used to achieve (or at least enhance) the level of compliance with international conventions, to evaluate their effectiveness as a way of generating ideas for improving compliance with the WADA Code and to assess the comparative success of WADA. Both Conventions represent international agreements that focus upon changing behaviours. Whereas the child rights regime primarily comprises of soft law and focuses upon behaviour that is not always illegal, the anti-money laundering regime addresses a criminal offence and aims to make individuals observe and follow the law. It is thought that the anti-doping regime, which incorporates soft law and addresses quasi-legal behaviours, lies somewhere between the child rights and anti-money laundering regimes. Qualitative document analysis was used to analyse documents published by relevant organisations including WADA, UNESCO and the United Nations. Semistructured interviews were also conducted with senior staff members responsible for monitoring compliance at the international and UK domestic level.

Conclusions

The results identified a range of strategies used to achieve compliance. With regard to the primary rule system, the anti-doping regime has a stronger top-down implementation framework compared to the child rights regime. However, the recent treatment of Russia, where the International Olympic Committee failed to follow WADA's recommendations to place a blanket ban upon Russian athletes at the Rio Olympics, arguably shows weaknesses.

Consequently, there is a need to strengthen WADA's capacity, independence and authority. With regard to the compliance information system, the child rights regime has developed a global annual index of compliance and highlighted the importance of building the capacity of the organisational network. Within the anti-money laundering regime, strategies used to strengthen the compliance information system included independent institutions and a supportive whistleblowing framework. With regard to the non-compliance

response system, the child rights regime has used domestic lobbying to achieve policy reform. Additionally, the anti-money laundering regime demonstrated that multiple non-compliance responses are necessary to address the problems caused by cultural diversity and varying capacities. Whilst WADA needs the authority to impose sanctions upon non-compliant actors, the anti-doping regime must develop additional responses that focus upon capacity building and cultural change. It is concluded that the identified strategies have had modest and variable success in improving compliance, yet have the potential to address the problems of achieving compliance with the WADA Code.

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