Harmony in Diversity: challenges in governing a worldwide anti-doping fight

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Outline of presentation

1. Why harmonization is key
2. Global diversity (historical, cultural, political, geographical and legal)
3. Support, individuality and identity
4. Harmony in diversity
1. Why harmonization is key
1. Sport is a global business

- Athletes compete globally
- Sport is governed by global entities
- Different Prohibited Lists, different Rules and different Sanctions per sport and/or per country are inexplicable and lead to legal inequality and legal uncertainty
2. Global diversity (historical, cultural, political, geographical and legal)
2. Global diversity: historical

Example:
• France has had a focused anti-doping policy since the sixties of the last century, while the Netherlands did not truly recognize a doping problem until the nineties (of the last century)
2. Global diversity: cultural

Examples:
• The use of cannabis in the Netherlands is perceived differently than is the case in many other countries;
• Enforcing Whereabouts obligations with Dutch athletes is different from doing so in many other cultures (Dutch athletes are not inclined to accept rules, but they are inclined to protest and discuss)
2. Global diversity: political

Examples:
• The involvement of governments in the fight against doping in sport is very diverse between countries;
• The position of MPs can be hugely different as well
2. Global diversity: geographical

Examples:
• Traveling to or through Siberia is different from traveling in the Netherlands
• Transporting samples from Africa to a doping laboratory is different from transporting samples within Europe
• Describing Whereabouts in a country without street names is different from doing so in a country with elaborate ZIP codes
2. Global diversity: legal

Examples:
• Some countries have Doping laws and (most) other countries do not;
• Privacy legislation (or the interpretation thereof) is very different from country to country (even within Europe)
3. Support, identity and individuality
3. Support

• To be effective in what we do, we need the support of both public and politicians;
• To gain and deserve that support, the goals, rules and criteria must be understandable, recognizable and acceptable within a certain community or society
3. Identity

• The identity of an athlete is defined by his nationality, the social background, his particular sport, etc.
• Rules and policies that cannot be matched with this identity will meet more opposition than support
3. Individuality

• To earn and hold the support of athletes, the goals, rules and criteria must lead to a proportionate outcome for an individual athlete in an individual case;

• The rules must have ample room to take the individual personality, position and background of an athlete into account
4. Harmony in diversity
4. Harmony

• The WAD Program aims to harmonize the fight against doping and it deserves all possible support for that;
• The WAD Code is the main harmonization tool, and all ADOs and sport organizations must adhere to it
4. Diversity

• However, the rules and procedures in the WAD Code must leave enough room for assessment of individual cases, within different (cultural, historical, political, legal, etc.) situations;

• While – for obvious reasons – WADA has been focusing primarily on harmonization, the next question is ‘how to incorporate diversity’ into the World Anti-Doping Program
4. Harmony in Diversity

In my opinion, finding the right balance between ‘harmony’ and ‘diversity’ is the main challenge we face in the years to come.
Thank you!