Dying to win

The second draft World Anti-Doping Code and the fight against doping in sport

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Dying to win

• World Anti-Doping Code:
  – defining doping
  – agreeing sanctions
  – funding research & administration
  – harmonizing policy
  – ensuring compliance
Defining doping

• From ‘intent, harm & ergogenic effect’,
• to ‘strict liability’,
• to ‘enhance performance’, ‘unnecessary risk of harm’ and ‘contrary to the spirit of sport’,
• and back to ‘strict liability’.
Strict liability

- the presence of a prohibited substance or its metabolites or markers in an athlete’s bodily specimen
- use or attempted use of a prohibited substance or a prohibited method
- failing, or refusing, to submit to sample collection
- violation of applicable requirements regarding athlete availability
- tampering…possession….trafficking… aiding and abetting
Agreeing sanctions

• Issues:
  – purpose: punish, exclude, rehabilitate
  …
  – categorisation of violations
  – equality or equity of treatment of sports
  – baseline sanctions or lowest common denominator
Agreeing sanctions

• Policies:
  – IFs - wide variation from 4 years (IAAF) to a few months (UEFA)
  – governments/courts - general agreement around 2 years
  – IOC - weak commitment to 2 years
Agreeing sanctions

- IOC Anti-Doping Code (1999)
  - ‘However, based on specific, exceptional circumstances to be evaluated in the first instance by the competent IF bodies, there may be a provision for a possible modification of the two-year sanction’
Agreeing sanctions

• WAD Code
  – 2 year sanction, but some allowance for inadvertent use, therapeutic use and ‘exceptional circumstances’, eg age and competitive experience
  – ‘if the athlete can clearly establish that the anti-doping rule violation was not the result of his or her fault or negligence’
Funding research & administration

• Costs:
  – testing - stable or declining
  – legal advice - rising steadily
  – scientific costs - rising rapidly
Funding research & administration

• Funding:
  – federations - remains limited & reluctant
  – governments - wide variation and some evidence of growing reluctance
  – IOC - remains crucial, but modest
Funding research and administration

– WADA 2002 budget & income (US$) (late October)
  – Olympic Movement 5,150,000 (8,500,000)
  – Public authorities 5,018,640 (8,500,000)
  – **Paid in full** - Japan, Denmark, Finland, France, Netherlands, UK, Norway, Sweden, Germany, Spain, Australia & NZ
  – **Paid at least half** - Korea, Romania, Belgium
  – **Paid nothing** - USA, all South America, India, Austria, Bulgaria, Ireland, Greece, Italy, Poland, Russia, Ukraine
Harmonizing policy

• WAD Code
  • considerable progress - uniformity, compatibility and proximity; ISO; models of best practice, BUT
  • USA not enthusiastic about use of ISO
  • many countries will need support to achieve harmonisation
  • vast number of aspects to harmonise
Harmonizing policy

- **Intensity of testing, selected sports in Britain, Apr ‘00 to March ‘01**
- **Sport** | **Tests conducted** | **Approx. no. of elite athletes** | **Approx. chance of being tested**
- Power lifting | 185 | 50 | 370%
- Athletics | 605 | 250 | 242%
- Weight-lifting | 229 | 100 | 229%
- Swimming | 110 | 100 | 110%
- Cycling | 216 | 300 | 72%
- Rowing | 42 | 100 | 42%
- Triathlon | 13 | 40 | 33%
- Gymnastics | 26 | 80 | 32.5%
- Football | 1016 | 5000 (Eng) | 20%
Achieving compliance

- Distribution of medals at the 2000 Olympic Games between the 80 medal-winning countries
  
<table>
<thead>
<tr>
<th>% of medal winning countries</th>
<th>% of medals won</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most successful 10% (n = 8)</td>
<td>52.6% (n = 456)</td>
</tr>
<tr>
<td>Most successful 20% (n = 16)</td>
<td>72.5% (n = 629)</td>
</tr>
<tr>
<td>Most successful 40% (n = 32)</td>
<td>90% (n = 780)</td>
</tr>
<tr>
<td>Least successful 20% (n = 16)</td>
<td>2.6% (n = 23)</td>
</tr>
</tbody>
</table>

- Distribution of medals at the 2002 Winter Olympic Games between the 25 medal-winning countries
  
<table>
<thead>
<tr>
<th>% of medal winning countries</th>
<th>% of medals won</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most successful 20% (n = 5)</td>
<td>53.9% (n = 126)</td>
</tr>
<tr>
<td>Most successful 40% (n = 10)</td>
<td>74.8% (n = 175)</td>
</tr>
<tr>
<td>Least successful 20% (n = 5)</td>
<td>3.9% (n = 9)</td>
</tr>
</tbody>
</table>

Institute of Sport & Leisure Policy
Achieving compliance

- Distribution of medals at the 2000 Olympic Games between the 199 participating countries

<table>
<thead>
<tr>
<th>% of participating countries</th>
<th>% of medals won</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most successful 10% (n = 20)</td>
<td>77.5% (n = 672)</td>
</tr>
<tr>
<td>Most successful 20% (n = 40)</td>
<td>94.7% (n = 821)</td>
</tr>
<tr>
<td>Most successful 40% (n = 80)</td>
<td>100% (n = 869)</td>
</tr>
</tbody>
</table>

- Distribution of medals at the 2002 Winter Olympic Games between the 77 participating countries

<table>
<thead>
<tr>
<th>% of participating countries</th>
<th>% of medals won</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most successful 20% (n = 15)</td>
<td>89.3% (n = 209)</td>
</tr>
<tr>
<td>Most successful 30% (n = 23)</td>
<td>99.2% (n = 232)</td>
</tr>
</tbody>
</table>
Achieving compliance

• Reasons for non-compliance by a government, NOC and IF:
  – choice
  – inability
  – inadvertence
Achieving compliance

- Available responses within the Code:
  - publicity of non-compliance
  - biennial report to WADA on compliance
  - WADA reports to IOC, IFs etc.
Achieving compliance

• Version 1: ‘..acceptance of the Code by both its NOC and government shall be a requirement for a country to host [the] Olympic Games… or world championships’. ‘…acceptance of the Code by its NOC shall be required for a country to participate in Olympic Games...’
Achieving compliance

• Version 2: ‘… Non-compliance with the Code by either the government or NOC of a country shall result in consequences with respect to Olympic Games….world championships … as determined by the ruling body for each event.'
Still ‘Dying to Win’?

- increased commitment from the EU
- strong resistance from key IFs especially soccer and tennis
- static or declining commitment from governments
- little enthusiasm among National Olympic Committees
- athletes are on the margin of doping debates
- public largely ignored