

Achieving Compliance with the World Anti-doping Code: Learning from the Implementation of Other International Agreements



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Introduction

- **Theoretical background and frameworks**
- **Methodology**
- **Analysis**
- **Conclusion**

Defining Compliance

- **Adherence (Ratification)**

Decision at the domestic level to execute the international legal rule as a national measure (WADA Code / UNESCO Ratification).

- **Implementation**

Primary actors commit resources.

- **Compliance**

Deep, intense commitment towards reaching the goal of drug free sport.

The Current Issue of Compliance

- Enthusiastic ratification of the WADA Code and UNESCO Convention Against Doping in Sport but highly variable levels of compliance.
- Powerful rogue governments (Russia) and IFs (IAAF, UCI).
 - State sponsored doping within Russia.
- Lack of capacity amongst many NADOs.
- “The primary reason for the apparent lack of success of the testing programs does not lie with the science involved.....**the real problems are the human and political factors**” (Pound et al, 2012; 3).

Analytical Frameworks

- **Regime Theory**

The “principles, norms, rules and decision-making procedures around which actor’s expectations converge in a given issue-area” (Krasner, 1983; 185).

- **Implementation Theory**

Top-down implementation: Beginning with the formation of policy objectives, implementation occurs in a linear fashion.

Bottom-up implementation: Implementation strategy is formed with ‘service deliverers’ in mind.

Analytical Frameworks

Mitchell and Chayes' (1995) Compliance System

- **Primary Rule System**
 - What rules and procedures are in place?
 - Who are the primary actors / what are the methods of regulation?
- **Compliance Information System**
 - How is data collected, analysed and circulated?
 - How is transparency and data quality assured?
- **Non-compliance Response System**
 - What are the penalties / responses in place for non-compliance?

Methodology

Aim: To Analyse the Problems of Achieving Compliance with the World Anti-doping Code.

- **Case Study Research:**

- Qualitative document analysis and semi-structured interviews.
- Analysis of three international agreements:
 1. UN Convention on the Rights of the Child
 2. UN Convention on the Rights of Persons with Disabilities
 3. UN Convention Against Transnational Organised Crime
(focus upon money laundering)

Analysis

Disability Rights and Anti-money Laundering Regimes: Strategies to Achieve Compliance

- **Independent Monitoring Mechanisms (Compliance information system)**
 - Independent assessors conduct audits to evaluate state compliance.
 - Objective monitoring increases legitimacy.
 - Mechanism to hold non-compliant governments accountable.

Analysis

Child Rights and Anti-money Laundering Regimes: Strategies to Achieve Compliance

- **Changing Culture Through Education (Non-compliance response)**
 - Non-compliance in the anti-money laundering regime is caused by conflicting national and organisational cultures.
 - Culture impacts the effectiveness of whistleblowing procedures.
 - Education can help to slowly change embedded cultural norms.

Analysis

Child Rights Regime: Strategies to Achieve Compliance

- **Domestic Lobbying (Non-compliance response)**
 - Informal response to non-compliance.
 - NGOs have used domestic lobbying to hold non-compliance governments accountable.
 - Used to mobilise domestic pressure for policy reform.

Conclusion: Lessons for Doping

- **Primary Rule System**
 - Anti-doping regime has a stronger top-down implementation framework, however the treatment of Russia shows weakness.
 - Strengthen the capacity, independence and authority of WADA.
- **Compliance Information System**
 - Importance of independent institutions.
 - Strengthen the capacity of the global organisational network.
- **Non-compliance Response System**
 - Domestic lobbying has the potential to achieve policy reform.
 - Responses need to focus on cultural change and capacity building.

Thank you for listening.

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