

# **Monitoring and Achieving Compliance with the World Anti-Doping Code: Learning from the Implementation of Other International Agreements**

Stacie Gray

# Introduction

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

# Defining Compliance

- **Adherence**

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).
- 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 and Implementation Theory

- **Regime Theory**
  - The 'principles, norms, rules and decision-making procedures around which actors' expectations converge in a given issue-area' (Krasner, 1983; 185).
- **Top-down vs. bottom-up implementation**
  - 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 Framework: Mitchell and Chayes' (1995) Compliance System

- **Primary Rule System**
  - What rules and procedures are in place?
  - Who are the primary actors?
  - Who is regulated / 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 penalties / responses are 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

# Analysis

## Child Rights Regime: Strategies to Achieve Compliance

- **KidsRights Index**
  - Global annual index that ranks the status of compliance.
  - Data is collected from UNICEF reports and the Committee on the Rights of the Child's Concluding Observations.
  - Increases transparency within the child rights regime.



# Analysis

## Child Rights Regime: Strategies to Achieve Compliance

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

# Analysis

## Disability Rights Regime: Strategies to Achieve Compliance

- **Establishment of Independent Monitoring Mechanisms**
  - CRPD obliges state parties to designate or establish independent implementation monitoring mechanisms.
  - Contribute towards increasing legitimacy and transparency of the regime.
  - Mechanism to hold non-compliant governments accountable.

# Conclusion

- **Findings to come out of the UNCRC / CRPD:**
  - Lack of top-down control.
  - Multiplicity of target audiences.
  - Importance of domestic cultural context.
  - Capacity constraints limit policy.
  - Target groups are active lobbyists.
- **Assessment of progress:**
  - Increased acknowledgement that children and disabled persons have rights.
  - Few governments actively oppose Convention.
  - Shallow level of rights in most countries.
  - Uneven levels of progress.

# 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**
  - Strengthen the capacity of the global organisational network.
  - Importance of independent institutions.
- **Non-Compliance Response System**
  - Domestic lobbying can be used to achieve policy reform.
  - Responses need to focus on capacity building and cultural change.

**Thank you for listening.**

# References

HOULIHAN, B., 2013. Achieving Compliance in International Anti-doping Policy: An Analysis of the 2009 World Anti-Doping Code. *Sport Management Review*, 17(3), 265 – 276.

KRASNER, S., 1983. Structural Causes and regime Consequences: Regimes as Intervening Variables. In: Kranser, S., ed. *International Regimes*, 2<sup>nd</sup> ed. NY: Cornell University Press, pp. 1 – 21.

MAY, P., and JOCHIM, A., 2013. Policy Regime Perspectives: Policies, Politics and Governing. *Policy Studies Journal*, 41(3), 426 – 452.

MITCHELL, R., and CHAYES, A., 1995. Improving Compliance with the Climate Change Treaty. In: Lee, H., ed. *Shaping National Responses to Climate Change: A post-Rio Guide*. Washington DC: Island Press, pp. 115 – 146.

POUND, R., AYOTTE, C., PARKINSON, A., PENGILLY, A., and RYAN, A., 2012. *Report to WADA Executive Committee on Lack of Effectiveness of Testing Programs*. [online]. [viewed 19/05/2016]. Available from: <https://wada-main-prod.s3.amazonaws.com/resources/files/2013-05-12-Lack-of-effectiveness-of-testing-WG-Report-Final.pdf>