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## **Harmonization of Anti-Doping Work: Myth or Reality?**

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### **Abstract**

In order to examine the implementation of the World Anti Doping Agency's (WADA) policy of global harmonization of anti-doping work, a survey was conducted among the members of the Association of National Anti-Doping Organizations (ANADO). It was revealed that in many countries, the Code was not implemented in accordance with the prescribed policy, with regard to (i) the requirement on national anti-doping organizations (NADOs) having a registered testing pool, (ii) the requirements of availability for testing of the athletes, and (iii) the requirements on sanctions. Only twenty three of the 32 NADOs in the sample had a registered testing pool, only eleven NADOs required availability for testing every day, and one in five NADOs did not have any procedures for dealing with athletes who had not provided whereabouts information. Further, two in five did not count an incomplete test as a missed test, although this is WADA's definition. WADA's goal is harmonized anti-doping work. The implementation of anti-doping policy is challenging and is to a certain extent underpinned by processes of globalization. Even among NADOs that are considered to be among the global frontrunners in the struggle against doping significant variations exist. There is reason to believe that the global picture is even more diverse. One of WADA's key challenges is to define clearly and in operational terms which rules and sanctions are to be uniform and globally implemented, and which regulations can be open to interpretation depending on economic and socio-cultural contexts.

### **Key words**

ANADO; WADA; implementation; standardization; compliance.

## Introduction

International anti-doping work has developed extensively in recent years. According to Houlihan<sup>1</sup> anti-doping has undergone a transformation from a situation in which just a handful of so-called active<sup>2</sup> or activist<sup>3</sup> countries were engaged in anti-doping work to a global affair. While anti-doping used to be characterized by a lack of coordination between various actors<sup>4</sup>, it has since 1999 been led by the World Anti-Doping Agency (WADA). WADA is an organization based on an equal partnership between sports federations and governments, aiming at global harmonization of anti-doping.<sup>5</sup> The World Anti-Doping Code (the Code), which was approved in 2003, provides the framework for harmonized anti-doping policy, rules and regulations within sport organizations<sup>6</sup> The Code is made obligatory for the whole Olympic movement by the Olympic Charter<sup>7</sup>. Only sports that adopt and implement the Code can be included and remain in the program of the Olympic Games.<sup>8</sup> By March 2009 there were 632 Code signatories, including all of the 205 national Olympic committees (NOCs) and all of the 35 international Olympic federations.<sup>9</sup> In addition, by March 2009, 110 governments had signed the UNESCO International Convention against Doping in Sport.<sup>10</sup>

The aim of this paper is to examine the possibilities and limitations of harmonization of global anti-doping work. There is some clear evidence of increased harmonization during the last decade. The annual WADA lists of prohibited substances and methods are accepted by all the signatories, approved laboratories are used for analysing samples, the minimum and maximum sanctions for doping offences are standardized,<sup>11</sup> and the number of nations and sports federations that carry out anti-doping activities is increasing.<sup>12</sup>

However, six years after approval of the first version of the Code (in 2003) and with a new version introduced on January 1 2009<sup>13</sup>, there is still significant evidence of a lack of harmonization.<sup>14</sup> This may be due variations in resources including infrastructure, personnel and economy, as well as to political and socio-cultural differences. In order to shed light on global anti-doping work, a study was conducted with a focus on one particular element in the Code, namely the requirement for national anti-doping organizations (NADOs)<sup>15</sup> to establish a registered testing pool. Athletes in a pool are required to provide whereabouts information, to be available for non-advance notice tests. The case is considered

relevant since former research has indicated that there are significant variations between national anti-doping organizations in this regard.<sup>16</sup> This will then be a test case of the willingness and ability of NADOs to adjust to harmonization requirements. The survey was conducted among members of the Association of National Anti-Doping Organizations (ANADO) in September/October 2007. Its object was to examine whether, and how, the whereabouts information system was implemented regarding: (i) availability for testing, and (ii) procedures and sanctions related to failure to provide whereabouts information and missed tests. ANADO is a non-profit and non-governmental organization (an unincorporated legal entity) created for the benefit of NADOs world-wide.<sup>17</sup> ANADO was established to improve the capacity of national anti-doping organizations and their staff through regular communication, problem identification and resolution as well as for exchange of information and to enhance professional development opportunities in the field of anti-doping in sport.<sup>18</sup> The organization comprises a number of well established NADOs,<sup>19</sup> but also less experienced organizations and organizations with few resources.

The paper proceeds as follows. First, a contextual background is provided for the whereabouts system. The execution of the survey and the procedures of analysis are then detailed, followed by the presentation of results and the discussion. Following the presentation of data, challenges to harmonization will be discussed by the application of classic implementation theory.<sup>20</sup>

### **Whereabouts information**

According to the Code, international and national sports federations are required to establish a registered testing pool of elite athletes and carry out in-competition and out-of-competition testing. The system was introduced in the 2003 Code and revised in the 2009 Code. It should be noted that many elements previously seen as ‘guidelines’<sup>21</sup> are now mandatory in the International Standard for Testing.<sup>22</sup> Our study was carried out during the period when the 2003 Code was in operation, and this is the version that will be presented here. However, some changes should be mentioned. In the 2009 code there are stricter definitions for the whereabouts information system, and the minimum sanction is increased.

Until 2009 WADA, under the International Standard for Testing, left the responsibility to the respective anti-doping organization (ADO) to define procedures and systems for 'collecting, maintaining and monitoring sufficient whereabouts information to ensure that sample collection can be planned and conducted at no advance notice for all athletes in the registered testing pool'.<sup>23</sup> As a minimum WADA demanded that the ADOs collected the following athlete information: a) name, b) sport/discipline, c) home address, d) contact phone numbers, e) training times and venues, f) training camps, g) travel plans, h) competition schedule, and i) disability if applicable, including the requirement for third party involvement in notification.<sup>24</sup>

The sanctions attached to non-compliance by athletes were a minimum of 3 months and a maximum 2 years exclusion from sport competitions. Within these limits, it was up to the respective ADO to determine the punishment.<sup>25</sup> In the revised Code, the minimum period of ineligibility has increased to one year.<sup>26</sup>

The criteria that defined whether a violation had taken place were set out in the Guideline for Athlete Whereabouts Information.<sup>27</sup> The Guideline, which was not mandatory, stipulated that an athlete with three warnings for 'failure to provide accurate whereabouts information in a rolling period of 18 months or a combination of failure to provide whereabouts information and missed tests, may be subject to an anti-doping rule violation'.<sup>28</sup> In the present regulations this is made explicit and mandatory in the Code.<sup>29</sup>

These rules and regulations have received significant media attention, not least due to the exclusion of two Greek sprinters in track and field from the summer Olympic Games in 2004. They had not been available for testing at the reported time and place and were banned for having missed three tests between July 27 and August 12 2004, and for failure to provide a urine sample and a blood sample on August 12 2004.<sup>30</sup>

A study conducted in 2006 among athletes in the Norwegian testing pool revealed general support for anti-doping work but also objections to some parts of the whereabouts information system.<sup>31</sup> The main objections were that the system was perceived to be a detailed and rigid surveillance system that violated athletes' autonomy and right to privacy, and that it was unfair because only a few countries in the world had implemented it. Norwegian athletes held the view that many of their

competitors could train and compete without the stress of constantly submitting whereabouts information. In this paper, we shed some light on whether this feeling of unfairness reflects the reality of NADO variations in the implementation of the whereabouts system.

## **Methods**

A survey among the members of the ANADO was conducted in September/October 2007. An invitation was sent to all the 47 member organizations (NADOs) of ANADO, based on the ANADO e-mail register. It was emphasized that participation in the study was voluntary, and that NADOs would not be identified in the study without their written consent.<sup>32</sup> Of the 47 NADOs of ANADO, 32 replied and completed in the questionnaire (a response rate of 68 %). The 32 NADOs were situated on the following continents: Europe (19), the Americas (6), Asia (3), Oceania (2) and Africa (2).

The questionnaire was developed to measure the degree of harmonization of the whereabouts information system with regard to: (i) resources related to personnel and economy; (ii) number of athletes in the registered testing pool and requirements on availability for testing; (iii) routines relating to lack of whereabouts information and missed tests; and (iv) sanctions attached to the system. Sets of variables (ii-iv) measure 'good practice', while variable set (i) measures possible explanations of variations of 'good practice'. While most questions had closed (tick-box) alternatives, the respondents were also given the opportunity to add qualitative comments. Where the chosen option was 'other' (e.g. regarding how many days per week the athletes should be available for testing, for how long the athlete should be available each day, or the procedure for the doping control officer when the athlete is not found according to the whereabouts information), respondents were asked to specify in their own words. Regarding the lack of whereabouts information, the questionnaire comprised a single open ended question ('When information is lacking, what do you do? Give a short comment').

The statistical analyses were conducted by the application of SPSS 15.1 and are mainly descriptive. Analyses of variance (ANOVAS) were conducted to test whether variables related to size of budget and number of employees had an impact on the anti-doping work of the NADOs. These variables were then tested against the

athletes' availability for testing and sanctions listed above (variable sets ii-iv). Responses to open response alternatives gave us useful additional qualitative data. (See results on the registered testing pool below, including notes 33 and 34.)

## Results

First, the requirement to establish a registered testing pool will be investigated, with a focus upon how each NADO dealt with the requirements for athletes to submit information about their whereabouts. Then the NADO systems of sanctions in relation to athletes who violate the regulations on whereabouts information will be examined.

### *The registered testing pool*

Of the 32 NADOs, 23 had a registered testing pool, which is seen as essential to carry out effective tests without advance notice. Almost four years after the January 1 2004 implementation of the Code, nearly one in three NADOs were not in compliance with the Code. Among the respondent explanations were lack of resources and 'practical problems'. For example, one NADO had previously had a registered testing pool but, according to its own representative, this expanded so much that it was terminated due to the administrative burden. Another NADO had not established a registered testing pool because – again according to a NADO representative – most of the athletes were competing only in national contexts.

All of the 23 NADOs which had a testing pool reported that their athletes were required to provide whereabouts information (see Table 1), but the survey revealed huge variations regarding the practice for athletes to make themselves available for testing. Eleven NADOs (out of 22, 1 missing) required athletes to be available every day, whereas the rest required athletes to be available less frequently: every other day (2); five days a week (3); one day a week (1) or at other intervals (5).<sup>33</sup>

Table 1 shows available days per week (n = 22; 1 missing)

Availability	Number of NADOs
Every day	11
Every second day	2
Five days a week	3
One day a week	1
Other intervals	5
Sum	22

Regarding the time period of availability (see Table 2), three (out of 21, 2 missing) of the NADOs required athletes to be available for less than 30 minutes a day. Ten NADOs required the athletes to be available for 30-60 minutes, three required athletes to be available for 1 to 2 hours a day, while 2 required athletes to be available for between 6 and 24 hours a day (none of the NADOs indicated a period of 2-5 hours). Three NADOs responded in the ‘other’ category.<sup>34</sup> Moreover, eight of the 23 NADOs did not require athletes to submit information during certain periods of the year, for example during vacations.

Table 2 shows meeting point per day (n = 21; 2 missing)

Length of meeting point	Number of NADOs
Up to 30 minutes	3
30 to 60 minutes	10
1 to 2 hours	3
2 to 6 hours	0
6 to 24 hours	2
Other	3
Sum	18

Specific requirements for athletes’ availability for testing were not defined in the 2003 version of the Code or in the International Standard for Testing. Here WADA tolerated some lack of harmonization. However, the 2009 version makes it clear that athletes must make themselves available for testing one hour every day throughout the year.<sup>35</sup> In other words, more than four out of ten NADOs in this study would have to change their practice to be in compliance with the WADA’s requirements for whereabouts information under the new Code.

The main goal of registered testing pools and a whereabouts information system is to be able to conduct doping tests without advance notice.<sup>36</sup> Regarding the question of how the NADOs handled a situation in which athletes were not available for testing during the reported meeting time, seven (out of 21, 2 missing) of the NADOs reported that the doping control officer called the athlete to carry out the control. One interpretation of this is, however, that this was no longer a no-advance notice test.<sup>37</sup> Twelve NADOs reported that the test was not carried out and that it was registered as a missed test, which is in line with the guidelines for whereabouts information.<sup>38</sup> Such variations of definitions of and responses to unavailable athletes appear as problematic.

### *Sanctions*

Two of the 23 NADOs with a registered testing pool did not have a system for sanctions connected to the whereabouts information system. Nineteen imposed a sanction for missed tests and 12 had a system for both missed tests and failure to provide whereabouts information. According to the Code<sup>39</sup> missed tests and failure to provide sufficient whereabouts information were both defined as violations of the rules. Similar findings occurred when NADOs reported on how many warnings (within a defined period of time) were considered to constitute a doping violation. Thirteen of the 23 NADOs considered three warnings within 18 months as a violation,<sup>40</sup> which was in line with the WADA's Guideline for whereabouts information<sup>41</sup> and also meant that an athlete was counted as having no warnings if s/he had not received a warning in the last 18 months. However, 5 of the 23 NADOs did not have any time frame, and the responses to the alternative 'other' in the questionnaire included statements such as 'two warnings within 12 months (but not operating effectively)', 'three warnings within 12 months' and 'we are now updating criteria'.

### *Analysis of variations – initial conclusions*

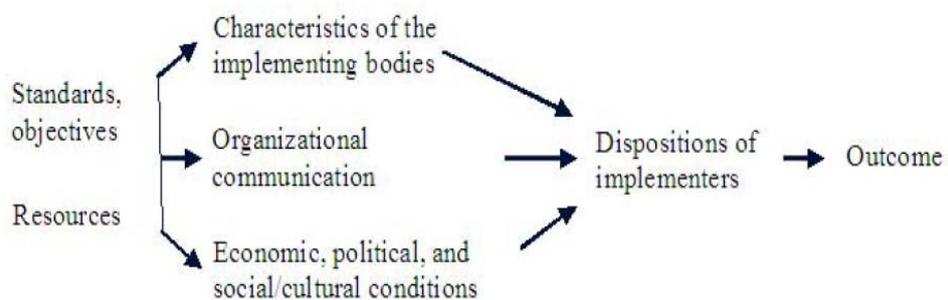
In this section we move on from the descriptive data into discussion via the analysis of variance. Summing up the ANADO patterns of warnings and sanctions related to the whereabouts information system, the data indicate that one in five (21.7 %) of the NADOs did not have any procedures for dealing with athletes who had not provided whereabouts information, and that two in five (42.8 %) did not count an incomplete test as a missed test, although this was WADA's definition.

Analyses of variance (ANOVAs) did not reveal any patterns between the availability of athletes for testing and the NADOs' size of budget or the NADOs' number of employees. (This is a point, however, that we will return to.) Nor were there any patterns between the imposition of sanctions and these variables (budget and employees). An initial conclusion, then, is that the variations must be explained in other terms than with classical socio-economic variables and conventional analysis.

## Discussion

The fact that athletes in different countries are treated differently by their NADOs with regard to sanctions is, it may be argued, detrimental to the legitimacy and sense of fairness of anti-doping. To an elite athlete, sanctions in terms of exclusion from competitions are severe and may determine whether or not the athlete is allowed to participate in the Olympic Games. Moreover, lack of harmonization appears to be a severe legitimacy problem for the anti-doping movement. On the background of historical examples and studies of implementation processes in other organizations and areas, this should come as no surprise. Implementation of global rule systems has never been a straightforward operation.

Since the seminal work of Pressman and Wildavsky<sup>42</sup> – ‘How great expectations in Washington are dashed in Oakland’ – there has been an increasing awareness within policy studies of the divergence between policy making and implementation. In that respect, van Meter and van Horn’s model<sup>43</sup> (Figure 1) can be applied to point out the distance from the central (in this case world) level of policy making to the national level of implementation. In the model the starting points are the decision makers’ definition of objectives and the allocation of resources. Three sets of filtering variables come into play: the characteristics of the implementing bodies, organizational communication, and economic, political and social/cultural conditions. In the end, the outcome of a policy always depends on the implementer’s dispositions, that is, their abilities and willingness.



**Figure 1: The implementation model of van Meter and van Horn (1975, p. 463), modified/simplified by Kjellberg and Reitan (1995, p. 143).**

At the global level the decision maker is WADA, which defines its objectives through the Code, the Standards for Testing and the Models of Best Practice & Guidelines. The data in the present study have revealed significant variations in the implementation of these rules and regulations. However, the data analysis did not reveal any clear explanations. In retrospect, it can be asked whether the wrong questions were posed, or whether the methods applied were appropriate. The size and, not least, the nature of the present sample, compared to the population of NADOs, are probably important factors. Whilst 205 NOCs have signed the WADA treaty, less than a quarter – only 47 – are members of ANADO. It is reasonable to assume that included in these 47 are the best resourced and best organized NADOs. Of the 47 ANADO members, 32 responded to the questionnaire, and again it is reasonable to assume that these were, with some exceptions, probably the best organized and most efficient NADOs. At least each of these 32 had an organization which was capable of responding to the questionnaire within a limited time period. Thus what is actually documented in this study is the variability among what are almost certainly the best resourced and most efficient NADOs in the world.<sup>44</sup> It is reasonable to believe that the variations between the remaining NADOs are even larger. In what follows, and based on Meter and van Horn's model (Figure 3) we discuss tentatively possible reasons for the variability in implementation.

One possible reason is that the new rules and regulations do not come with resources. WADA does not provide direct financial support for the implementation process.<sup>45</sup> Another possible reason may be related to vague concepts and lack of clear operationalizations which leave NADOS with the challenge and the possibility of interpretation. At least this seems to have been the situation when our study was carried out. While harmonization is at the heart of the Code, the concept of harmonization itself is imprecise. '[I]t can be interpreted as uniformity, proximity, compatibility, consensus or tolerability' and, according to Houlihan, 'the drafters of the Code have used the full range of interpretations'.<sup>46</sup>

Vague concepts and operationalizations cause problems in the diffusion of policy from centralized body to the periphery.<sup>47</sup> Different countries have different political, economic and social/cultural characteristics. One likely outcome of seeking harmonization with vague concepts across the NADOs may actually be that variation and diversity are increased.<sup>48</sup> For example, it is required, by WADA that a registered testing pool should be established and that everybody in it should provide

whereabouts information. The way in which each NADO finds a solution may vary, and it may be the fact that little change takes place. As Pressman and Wildavsky<sup>49</sup> revealed, centrally made policy does not equal locally implemented policy. They note that following a federal (US) act, a program was established to ‘help solve problems of employment and racial unrest’<sup>50</sup> in Oakland. However, while ‘congressional appropriateness, agency commitment and funds, approved of projects and acceptance of the unemployment plan idea had all gone quickly and according to plan’, there were some ‘technical details’<sup>51</sup> which still had to be resolved. These ‘details’ were related to the relationships between governing and implementing bodies at federal and local levels, and to the construction of the program at the local level. The former relates to the communication between organizations within van Meter and van Horn’s implementation model,<sup>52</sup> while the latter refers to the dispositions (capability and willingness) of the local implementers. When Pressman and Wildavsky interviewed local managers of the federal program, they found that change had not really taken place in Oakland. One of the local directors claimed that, ‘from the beginning it was business as usual’. The consequence was that ‘only forty-three jobs had been created’, while there were ‘promised some 3000 jobs in all’. Another local manager observed that ‘our people felt that the Federal government was going a little too far in telling us how to run our business’.<sup>53</sup>

The implementation model of van Meter and van Horn<sup>54</sup> visualizes much of the same point: it ends with a bottle neck, where the process of implementation depends on the abilities and willingness of the implementers at local level.<sup>55</sup> Thus ‘the goals of policy may be rejected for a variety of reasons’, such as offending the implementer’s values and self interest, or crossing other organizational loyalties or preferred/existing relationships.<sup>56</sup>

In sum, then, the implementation of the WADA whereabouts policies has met the challenges of vague concepts, and perhaps to a lack of interest and engagement at the national and local level. Due to public criticism, it seems reasonable to assume that the whereabouts system met considerable scepticism and perhaps even ‘silent’ resistance at the local level. It is hard to streamline local anti-doping agents, whether that is a manager of a NADO or a doping control officer, as long as s/he is subject to so many different filters (organizational characteristics, organizational communication, and economic, political and social/cultural conditions, including processes referred to as globalization).

The implementing bodies are characterized by variations with regard to budget, number of employees, testing pools, requirements related to the whereabouts information, and procedures for handling missed tests and sanctions. These variations have to be seen in relation to economic, political and social/cultural aspects of the country/region. It is probably unrealistic to expect that 205 national Olympic committees and 35 international federations could create homogenous and uniform procedures for all aspects of anti-doping. The key challenge for the WADA is to decide upon an obligatory, clearly defined and operationalized core of the code, and regulations and guide lines that could be open to a certain interpretation and adaptability.

The global variations in anti-doping work were documented in WADA's report on *Code Compliance and Implementation*<sup>57</sup>, published in November 2008. During the preparation of the report, the monitoring group reviewed more than 180 anti-doping rules from anti-doping organizations around the world. Out of these, WADA suggested that 90 per cent needed to make changes in order to make their rule systems compliant with the Code. Moreover, in accordance with the Code article 23.4, it was recommended that the WADA Foundation Board should declare nine NADOs (or the NOCs acting as NADOs) non-compliant with the Code. These had not shown evidence of progress towards compliance. Among NADOs, 36 had rules in line with the Code.<sup>58</sup> 122 NADOs that were part of a WADA's Regional Anti-Doping Organization (RADO) were deemed to be compliant or provisionally compliant. This means that WADA recognized that fully harmonized anti-doping work was unrealistic. Thus, during the compliance process WADA decided to take certain circumstances, such as 'the economic and political situation as well as the sports' records and history of each country',<sup>59</sup> into consideration when evaluating the NADOS.

Instead of reporting these findings to the IOC, the WADA Foundation Board decided to postpone any declaration of non-compliance until the next Board meeting in May 2009.<sup>60</sup> In the 2009 meeting in Montreal the Foundation Board found, again, that no case should be reported to IOC. Instead the Board decided to 'discuss significant cases of non-compliance on a case-by-case basis, in person or by electronic means'. A press release stated that the Board had the power to officially report at any time a signatory as non-compliant,<sup>61</sup> but it decided that the first ordinary compliance report should be submitted to the IOC in 2011. This decision did

not impress Board member (and former president) of WADA, Richard W. Pound, who stated that WADA did not use its available powers to move some federations in the right direction, adding that these federations only understand deadlines.<sup>62</sup> Given the huge diversity of resources on a global level, a more general question of principle about anti-doping policy arises: is it totally unrealistic to expect poorer nations to implement WADA policy? For a poor nation sending just half a dozen athletes to the Olympics, implementing WADA policy (with all its costs) would be unlikely to be a priority. In order to understand the priorities of the representatives of poor nations, those nations need to be studied (see below).

### **Concluding comments**

Anti-doping policy has recently undergone extensive changes. As Houlihan<sup>63</sup> has noted, it has developed from local to global, a transformation from doping as a concern of a few governing bodies and countries to a global affair. At least, this is the case at the level of policy making. But this study has revealed that, at the level of implementation, the Code is not implemented in many countries in accordance with the prescribed policy. There are huge differences (i) with regard to whether the NADOs actually have a registered testing pool. If there is a testing pool there are differences (ii) with regard to the requirements of availability for testing of the athletes (number of days a week and length of the meeting period for each day), and (iii) with regard to sanctions for not providing whereabouts information and for missed tests. And these variations are revealed among the anti-doping organizations that are considered to be among the global frontrunners in the fight against doping.

Despite the limitations of the sample of this study, it is suggested that this study sheds some useful light on one particular and important part of global anti-doping work. And although the classic implementation perspective employed here apparently neglects concepts of power and critique, it is believed that this study with its focus on the empirical evidence and rather straight forward analysis adds a contribution to the challenges related to global anti-doping work. In policy terms, several conclusions can be drawn. First, the data of this paper clearly indicate that a revision of the policy is needed. As noted earlier, that has already been done and new rules with more compulsory elements and less room for interpretation came into

effect on January 1 2009. But new policy has created even more problem, as for example the revision of the whereabouts system (Hanstad, 2009). Second, the implementation process has to be taken seriously into account, if harmonization is to increase.

As long as the statistical analyses did not reveal significant differences regarding classical sociological variables, the analysis here suggests that the ability and willingness of representatives of national anti-doping organizations and their relationship with WADA are main topics to be followed up with new research and perspectives. One proposal would be to replace the classic implementation model with a perspective of how local organizations translate global policy.<sup>64</sup> That is, to our knowledge, something that has not previously been the subject of research. In that respect, in depth case studies of NADOs should be conducted in order to generate more data and to enable more nuanced analyses of power relations between WADA and NADOs as well as between NADOs. The position of the international federations is also of relevance. An ideal would be a comparative study where cultural features of various nations and the capability and willingness among anti-doping policy implementers. Hence, a more sophisticated analysis of the power does not contradict the perspective put forward in the above implementation model. These issues should be investigated in order to understand the power relations between organizations and nations, in the field of doping and anti-doping.

### **Acknowledgment**

The authors would like to thank Professor Ivan Waddington for his contribution to this paper.

### **Notes**

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<sup>1</sup> Houlihan, *Dying to win*. Houlihan's examples of this transformation: the development of a series of international agreements, the establishment of new global forums, most notably the World Anti-Doping Agency (WADA), and multi-million dollar commitment of public and governing body funding.

<sup>2</sup> Houlihan, *Dying to win*.

<sup>3</sup> Houlihan,, *The doping issue*.

<sup>4</sup> Vrijman, *Harmonisation; a bridge too far?*

<sup>5</sup> Verroken, *Drug use and abuse in sport*.

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<sup>6</sup> WADA, *The World Anti-Doping Code*. The Code is the fundamental and universal document upon which the World Anti-Doping Program (WADP) is based. In addition to the Code the WADP consists of ‘International Standards’ for different technical and operational areas within the WADP. Adherence to the ‘International Standards’ is mandatory for compliance with the Code. A third level in the WADP is the ‘Models of best Practice’, which is developed to provide state of the art solutions in different areas of anti-doping. ‘Models of best Practice’ is not mandatory (WADA 2003a).

<sup>7</sup> IOC, *The Olympic Charter*, art. 48, p. 74.

<sup>8</sup> According to the Code non-compliance with the Code ‘... may result in consequences with respect to Olympic Games, Paralympic Games, World Championship or the Events of Major Event Organizations as determined by the ruling body for each Event’ (WADA 2003a, art. 23.5.1, p. 66)

<sup>9</sup> WADA, *Code Acceptance*.

<sup>10</sup> Among the UNESCO Convention provides a framework for harmonizing anti-doping rules and policies worldwide, and to ensure the effectiveness of the World Anti-Doping Code (UNESCO 2005).

<sup>11</sup> WADA, *The World Anti-Doping Code*.

<sup>12</sup> Hanstad and Loland, *What is efficient doping control*, Hanstad and Loland, *Elite level athletes’ duty to provide information on their whereabouts*.

<sup>13</sup> WADA, *World Anti-Doping Code 2009*.

<sup>14</sup> WADA, *Code Compliance and Implementation Report*.

<sup>15</sup> A national anti-doping organization is by WADA defined as ‘the entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of samples the management of test results, and the conduct of hearings, all at the national level.’.

<sup>16</sup> Hanstad and Loland, *What is efficient doping control*; Hanstad and Loland, *Elite level athletes’ duty to provide information on their whereabouts*; Hanstad, Skille and Thurston, *Elite Athletes’ Perspectives on Providing Whereabouts Information*.

<sup>17</sup> ANADO, *Constitution of the Association of National Anti-Doping Organisations*. The objectives of the ANADO are to: (i) support the development of comprehensive national anti-doping programs; (ii) serve as a resource for anti-doping professionals and staff; (iii) strengthen and maintain regular communication between the Members; (iv) facilitate the exchange of information, experience and learning among and between NADOs; (v) maintain and develop quality standards and professional practices for practitioners in the field of anti-doping; and (vi) facilitate, market and organise anti-doping services for clients in the sports industry on behalf of interested Members (ANADO 2006).

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<sup>18</sup> ANADO, *ANADO's Membership*.

<sup>19</sup> For example the original IADA members.

<sup>20</sup> Pressman and Wildavsky, *Implementation*; van Meter and van Horn, 'The policy implementation process'; Kjellberg and Reitan, *Offentlig politikk*.

<sup>21</sup> WADA, *The World Anti-Doping Code. Guideline for Athlete Whereabouts Information*.

<sup>22</sup> WADA, *The World Anti-Doping Code. International Standard for Testing. 2009*.

<sup>23</sup> WADA, *The World Anti-Doping Code. International Standard for Testing. Version 3.0 2003*, article 4.4.1, p. 13.

<sup>24</sup> *Ibid*.

<sup>25</sup> WADA, *World Anti-doping Code*, art. 10.4.3, p. 29.

<sup>26</sup> WADA, *World Anti-Doping Code 2009*, art. 10.3.3, p. 54.

<sup>27</sup> WADA, *The World Anti-Doping Code. Guideline for Athlete Whereabouts Information*.

<sup>28</sup> *Ibid*, p.10.

<sup>29</sup> WADA, *World Anti-doping Code 2009*, art. 2.4, p. 23; WADA, *World Anti-Doping Code. International Standard for Testing*, art. 11.1.6, p. 43.

<sup>30</sup> IAAF, *Kenteris and Thanou accept anti-doping rule violations*.

<sup>31</sup> Hanstad and Loland, *Elite level athletes' duty to provide information on their whereabouts*; Hanstad, Skille and Thurston, *Elite Athletes' Perspectives on Providing Whereabouts Information*.

<sup>32</sup> All NADOs accepted to be identified, but we will not utilize the possibility to identify any of them in this article.

<sup>33</sup> If 'other' was reported, the respondents were asked to specify. The specifications were: 1) 'no period of more than two consecutive days without information; 2) when they attend sport camps, but for some of them we are preparing "home" tests'; 3) '4 times weekly'; 'everyday, athletes have to tell us changes for more than 3 days'; while one was not specified.

<sup>34</sup> Again, if 'other' was reported, the respondents were asked to specify. Two of the three did not specify any meeting point, while the third held: 'attempts are based on athlete's information. The DCOs [doping control officers] wait approximately 45 minutes at each location listed [by the athlete]'.

<sup>35</sup> WADA, *World Anti-Doping Code. International Standard for Testing. 2009*, art. 11.3.1 and art.11.3.2, p.47-49.

<sup>36</sup> WADA, *World Anti-Doping Code*, art. 4.3.1, p. 13.

<sup>37</sup> WADA's definition of a no-advance notice test: "A Doping Control which takes place with no advance warning to the Athlete and where the Athlete is continuously chaperoned from the moment of notification through Sample provision." (WADA 2003a, p. 75)

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<sup>38</sup> WADA, *World Anti-Doping Code. Guideline for Athlete Whereabouts Information.2004*, art. 7.3, p. 11. WADA Guideline for whereabouts information, art. 7.3, p. 11: ‘Should the DCO not locate the Athlete based on the information provided, the DCO shall complete a detailed Unavailable Athlete Report that shall include the times, locations and all other details of the DCO’s attempt to locate the Athlete’.

<sup>39</sup> WADA, *World Anti-Doping Code 2003*, art. 2.4, p. 11.

<sup>40</sup> To be precise, 11 (47.8%) ticked off for the closed alternative (‘Three warnings within 18 months’). In addition, two NADOs were counted in based on qualitative statements (‘Three Missed Tests declared in an 18 month period’; ‘two warning and at the 3rd suspencion’).

<sup>41</sup> *World Anti-Doping Code. Guideline for Athlete Whereabouts Information.2004*, art. 6.4, p. 10.

<sup>42</sup> Pressman and Wildavsky, *Implementation*.

<sup>43</sup> van Meter and vanHorn, ‘The policy implementation process’.

<sup>44</sup> Although the data cannot say anything about the more than 150 NADOs which are not members of ANADO, it seems reasonable to suggest that, if the implementation of WADA policy in poor African countries (e. g. Chad, Niger and Sierra Leone) had been studied, the variability would have been huge and statistically significant.

<sup>45</sup> Indirectly, WADA invests money in the development of anti-doping programs. For example, WADA supports a program called Regional Anti-Doping Organization (RADO). RADO was established in 2004, in order to help countries and organizations to develop anti-doping programs in regions of the world where no quality anti-doping activities have been established. According to WADA itself, WADA spends approximately 5000 USD on each of the 112 nations enrolled in the system (First authors’ note from Foundation Board in Montreal 10 May 2009).

<sup>46</sup> Houlihan, *Managing Compliance in International Anti-Doping Policy*. For an overview of the meaning comprised in of each of these terms, see p. 193, Table 1.

<sup>47</sup> It should be noted, though, that during the policy making process of the focal point of anti doping, a rather extensive hearing round was conducted, where every touched party (as the NADOs) had the opportunity to add suggestions and comments.

<sup>48</sup> Compared to the early research of WADA and the Code, which focused on the EU (Miah, 2002) and ‘... various policy actors which included the IOC, the major Olympic international federations (IFs), the Council of Europe and ... governments ...’ (Houlihan 2002, p. 189), the present research is much more focused upon the NADOs and the association of NADOs (ANADO).

<sup>49</sup> Pressman and Wildavsky, *Implementation*.

<sup>50</sup> *Ibid*, p. 69.

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- <sup>51</sup> Ibid, p.69.
- <sup>52</sup> van Meter and van Horn, 'The policy implementation process', p. 463.
- <sup>53</sup> Pressman and Wildavsky, *Implementation*, pp. 2-5.
- <sup>54</sup> van Meter and van Horn, 'The policy implementation process', p. 463.
- <sup>55</sup> van Meter and van Horn, 'The policy implementation process', p. 472-4.
- <sup>56</sup> van Meter and van Horn, 'The policy implementation process', p. 473.
- <sup>57</sup> WADA, *Code Compliance and Implementation Report*.
- <sup>58</sup> WADA, *Code Compliance and Implementation Report*. Among the international federations five Olympic IFs were non-compliant, because they did not provide evidence of a consistent out-of-competition program. These were the federations of gymnastics (FIG), wrestling (FILA), volleyball (FIVB), handball (IHF) and modern pentathlon (UIPM).
- <sup>59</sup> WADA, *Press Release: WADA Advances Cooperation with Interpol, Athlete Passport Development*, p.2.
- <sup>60</sup> WADA, *Press Release: WADA Advances Cooperation with Interpol, Athlete Passport Development*.
- <sup>61</sup> WADA, *Press Release. WADA Executive Committee Approves Enhanced International Data Protection Standard*.
- <sup>62</sup> The first author's observations from the Foundation Board meeting in Montreal, 10 May 2009.
- <sup>63</sup> Houlihan, *Managing Compliance in International Anti-Doping Policy*.
- <sup>64</sup> Skille, 'Understanding Sport Clubs as Sport Policy Implementers'.

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