

# The Olympic Edition Cereal Box: WADA, the IOC and the WADC

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## The Public Persona of WADA

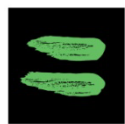
- World Anti-Doping Agency (WADA) established in 1999; World Anti-Doping Code (WADC) implemented in 2003; Current revised version of WADC implemented in 2009.
- WADA states that it is *'an international independent agency composed and funded equally by the sport movement and the governments of the world'*. (<http://www.wada-ama.org/en/About-WADA/>)
- WADA's stated mission is: *'to promote and coordinate at international level the fight against doping in sport in all its forms including in and out of competition .. it will seek and obtain from all of [IGOs, NGs, IOC, IFs, NOCs and public and private bodies fighting against doping in sport] the moral and political commitment to follow its recommendations'*. (WADA Constitution, Art 4(1))
- The stated purpose of the WADC is: *'to protect the Athletes' fundamental right to participate in doping-free sport and thus promote health and equality for Athletes worldwide' and 'to ensure harmonized, coordinated and effective anti-doping programs at the international level with regard to detection, deterrence and prevention of doping'*. (WADC, Introduction, 11)

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## WADA: A Split Personality?



**WORLD  
ANTI-DOPING  
AGENCY**

play true

- As a consequence of the extraordinary global reach of the WADC (contractually and legislatively) and the recent 2010 inculcation of athletes such as Matthew Stokes (AFL) and Ryan Napoleon (Swimming) for anti-doping rule violations (ADRVs), which were not directed towards cheating in their respective sports, it is timely to question WADA's role in the sports community and in the community at large.

- Is WADA really a true equal partnership between the sports movement and government? And is the WADC really about preserving equality [in competition] (ie. a fair contest) between athletes and eliminating cheating in sport?

OR

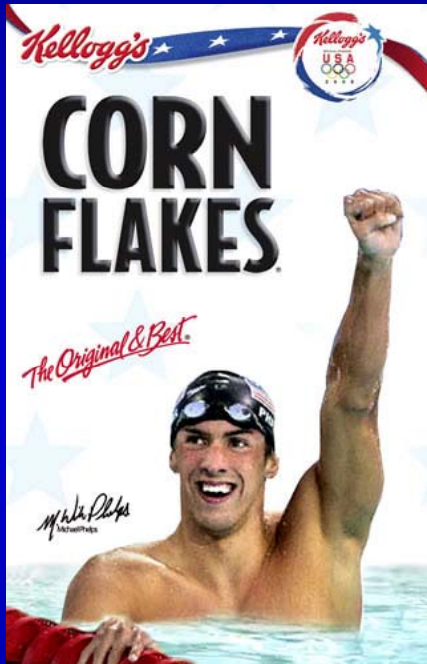
- Is WADA despite external appearances, ultimately controlled by the IOC?. And is the WADC also about protecting the commercial integrity of the IOC's 'clean' Olympic product (as well as preserving the fair contest between athletes)?

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## TNCs Influential in the Development of the WADC

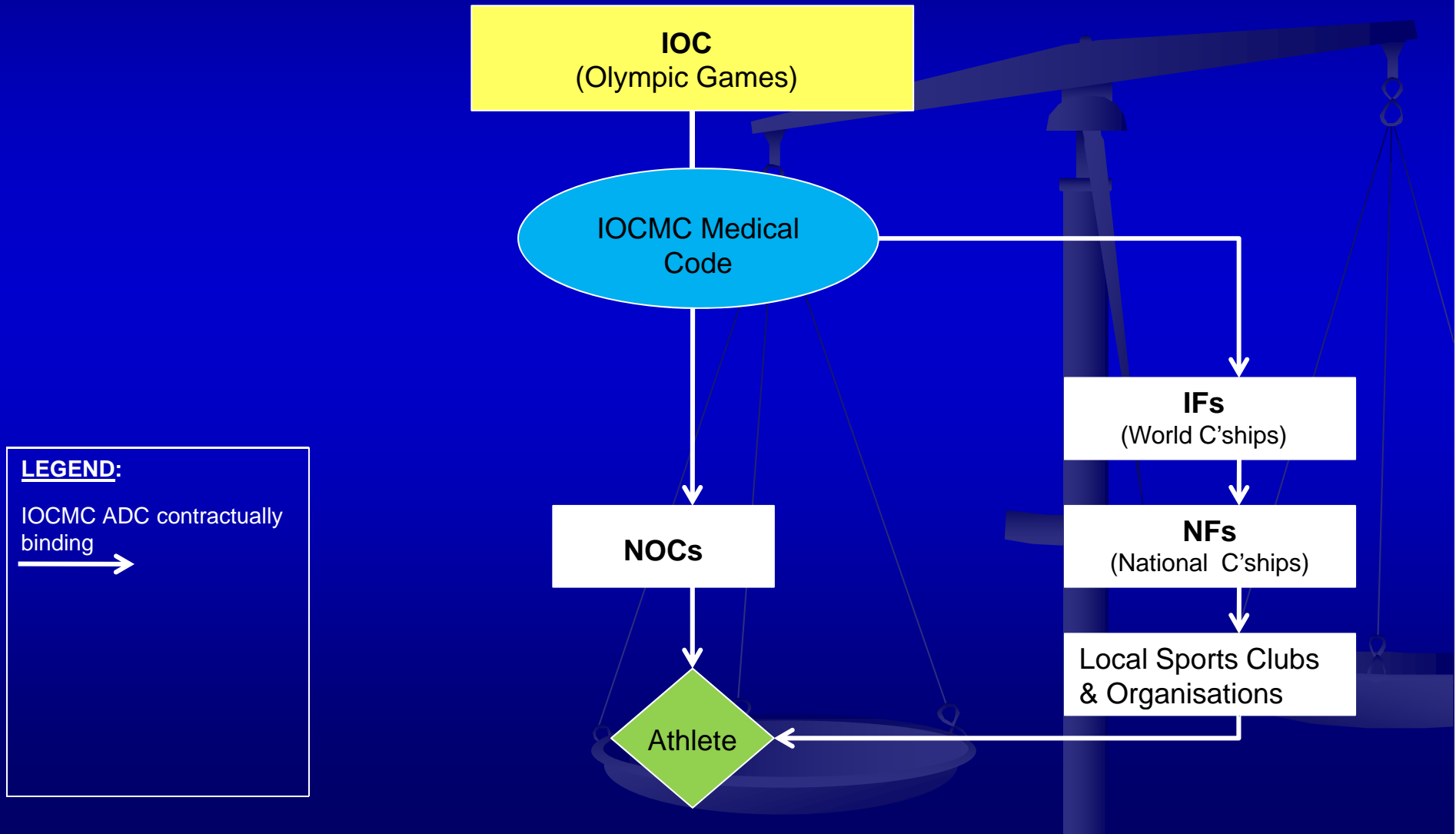


- Transnational corporations (TNCs) such as Olympic Broadcasters and Sponsors (ie. NBC, GE, P&G, Coca-Cola, Samsung, Omega, VISA, McDonalds, Kellogg's, etc) have indirectly shaped the current form of the WADC, due to their ability to influence the IOC (financial leverage), and hence WADA, such is the IOC's historical and structural control/dominance over WADA.
- The IOC derives large revenues from the sale to TNCs of broadcasting and sponsorship rights to the Olympic Games.
- TNCs derive lucrative commercial benefits (ie. improved turnover and profits) through positive association with the Olympic product /brand (ie. positive imagery, clean sport, etc).
- TNCs are able to influence the IOC and in turn, WADA (and the WADC), because of the mutual commercial advantages derived by the IOC and its partner TNCs through the revenues generated from broadcasting and sponsoring Olympic product (ie. clean/drug-free sport - informing the Olympic ideal/image).

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## International Sports Anti-Doping Regulation Pre-2003



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## The IOC: A Pioneer in Anti-Doping

- 1961: Establishment of the IOC Medical Commission (IOCMC) following the death of Knud Jensen in Men's Cycling 100Km Road Race (XVII Olympiad, Rome, 1960) to address a rise in doping in an increasingly globalised sporting environment. Cf. Dimeo: IOC also safeguarding the integrity of the Olympics as an amateur competition as doping considered 'professional', in addition to safeguarding athlete's health. (Dimeo, 2007, 13, 54-57, 96)
- 1965: Sports anti-doping laws passed in Austria, France and Belgium.
- 1971: IOC publishes first list of Prohibited Substances.
- 1988: Ben Johnson tests positive to stanozolol (XXIV Olympiad, Seoul, 1988); Dubin Inquiry (re: use of drugs in Canadian sport) raised substantial doubts as to the *'effectiveness of the IOC testing program'*. (Buti & Fridman, 2001, 34)
- 1989: Anti-Doping Convention (Council of Europe).
- 1994-2003: IOC Medical Code (Pre-cursor to the WADC)
- As sport became more global and professional in the 90s, the IOC was resolute in ensuring that athlete participation in the Olympics was 'drug-free'.

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## Commercialisation of the Olympic Games

- IOC a private association/foundation (115 members), legally constituted in Switzerland as an NGO with UN observer status. (Olympic Charter, Art 15; Nafziger, 2004, 25)
- IOC is the *'supreme authority'* of the Olympic Movement and holds the rights to conduct the quadrennial Olympic Games (OGs). The Olympic Charter permits the IOC to *'collect revenue from the exploitation of its rights'* from (amongst other sources) television rights and sponsorship. (Olympic Charter, Arts 1, 3, 6, 7, 15 & 25)
- The 2008 Beijing Olympic Games were watched by an international television audience of 4.3 billion people in 220 territories. (IOC, Marketing Report Beijing, 2008, 24)
- In 2005-2008, the IOC received USD\$5.45 billion from the sale of Olympic rights. (IOC, Olympic Marketing Fact File, 2010, 6)
- Estimated cost of staging the Olympic Games: Athens 2004, USD\$14.1 billion; Beijing 2008, USD\$41 billion. (New York Times, 5 Feb 2010 & 8 Aug 2008)
- The IOC is obliged by its Charter to stage the Olympic Games every four years. Even with the backing of a host city's national government (NG), recourse still must be had to commercial sources of revenue (from the sale of the rights to TNCs) for the games to proceed. (Olympic Charter, Arts 2 & 33; Pound, 2004, 160; Senn, 1999, 14-18, 163-164)

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## Lausanne 1999 – WADA Established



*Team Festina  
1998 Tour De France*

**LEGEND:**  
Control  
→

**IOC**  
(Olympic Games)

**World Anti-Doping Agency**  
(World Anti-Doping Code)

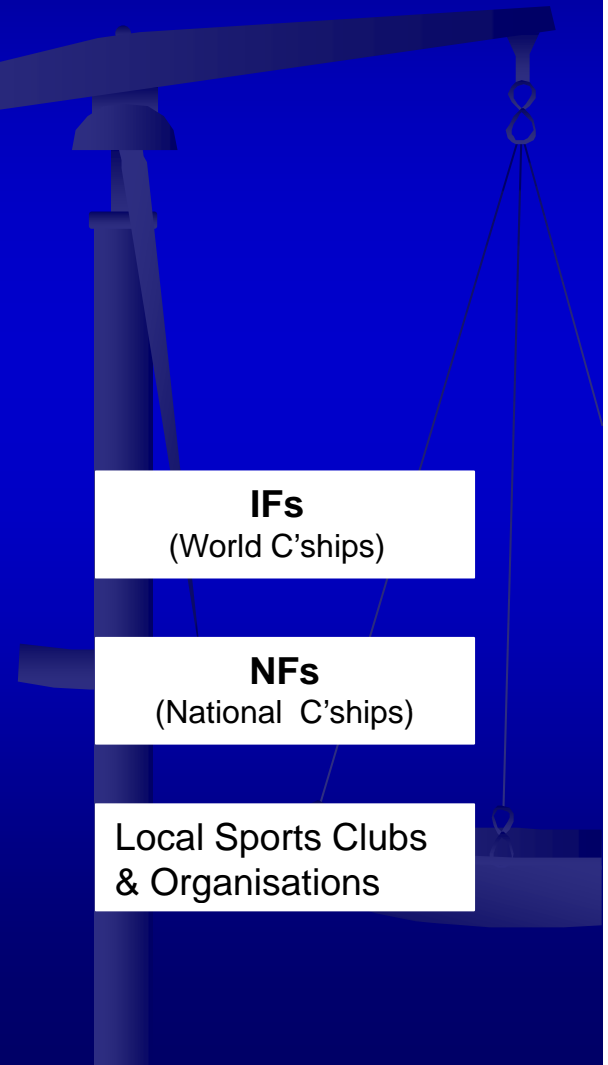
**NOCs**

**Athlete**

**IFs**  
(World C'ships)

**NFs**  
(National C'ships)

Local Sports Clubs  
& Organisations



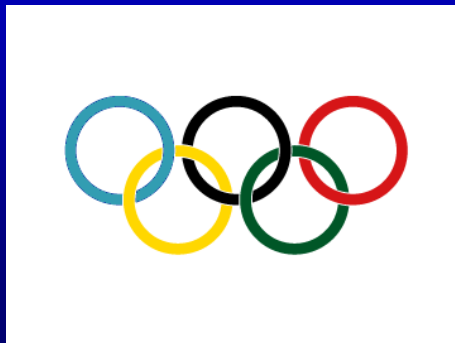


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## The IOC Sets the International Anti-Doping Agenda

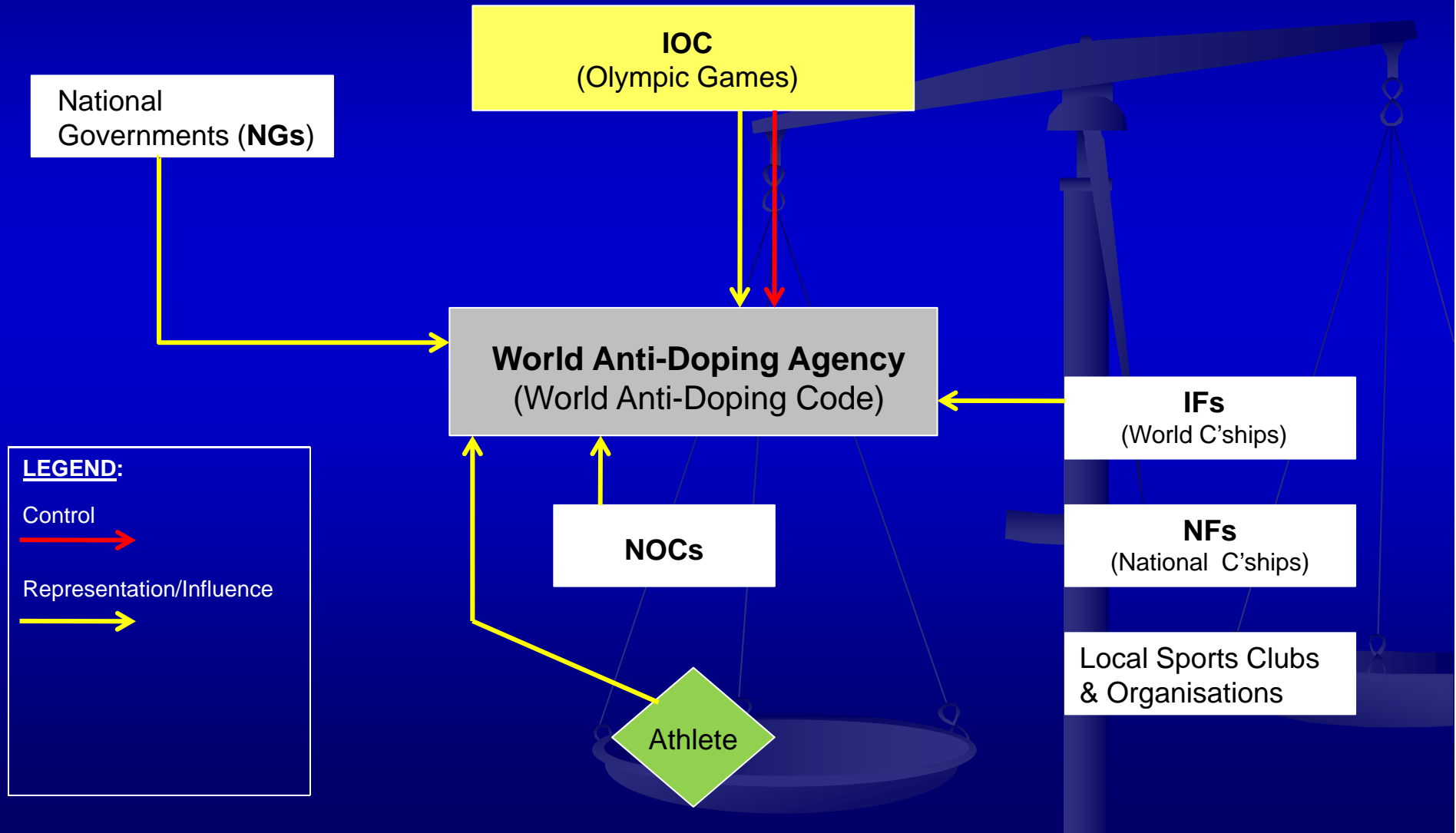


- IOC historically a 'slow' pioneer in international anti-doping.
- Until 1998/1999 (Festina TdF scandal), IOC lacked purpose in addressing a growing international doping trend. Growing public cynicism of the IOC and the OGs re doping was also set against the backdrop of the Salt Lake City votes for bribes scandal. IOC faced a crisis of credibility. Cf. Fitzgerald: IOC inaction to protect Olympic image. (Fitzgerald, 2000, 234)
- 1998: IOC requests IFs to adopt IOCMC Code.
- Lausanne Declaration 1999: IOC member Dick Pound QC (Broadcasting/Sponsorship and Anti-Doping roles within the IOC), seizes the international sports governance agenda and urgently convenes the WCDS (NOCs, IFs, NGs), ultimately resulting in creation of WADA (50:50 Sport:Government).
- 1999-2007: Pound the first President of WADA.
- Moral authority and IOC credibility restored. The Olympic brand (ie. 'clean sport' image, Olympic ideals) is protected.

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## Copenhagen 2003 – World Anti-Doping Code



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## IOC in Control

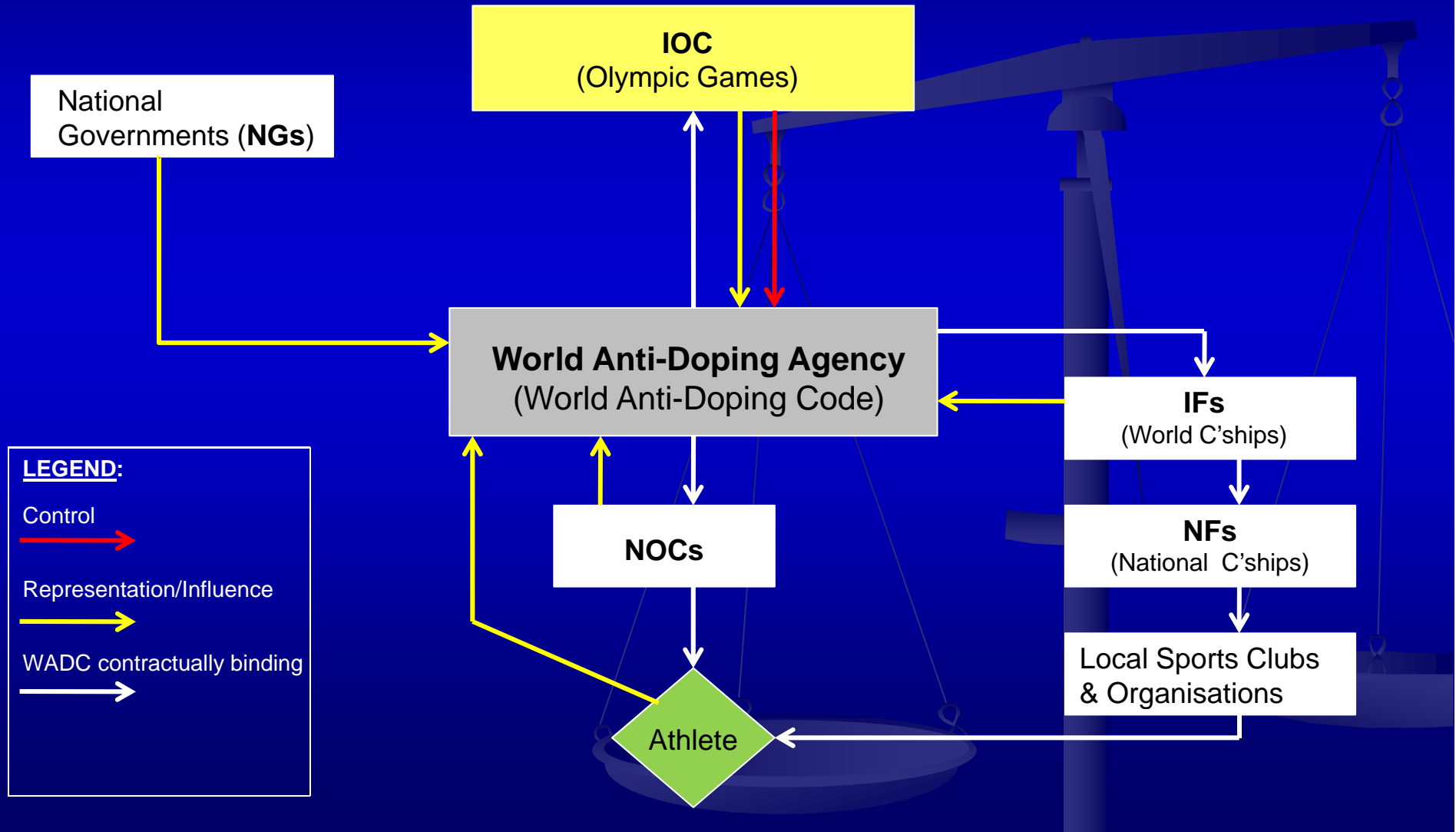
- 2003 Copenhagen: WADC unanimously adopted at the WCDS (NOCs, IFs, NGs). Harmonised international anti-doping regulation. Otiose references in the WADC's rationale to '*spirit of sport*' and *Olympism*', extend the WADC's outlook beyond a simple ban on cheating. (\*WADC, Fundamental Rationale, 14. Cf. Olympic Charter, Preamble & Art 2)
- WADA based in Montreal, but legal seat in Olympic city of Lausanne. Swiss private legal foundation. Like the IOC, WADA has a public role, but a private structure.
- Governance of WADA is 50:50 representation on the foundation board between the 'sports movement' (IOC 4, ANOCs 4, IOCAC 4, ASOIF 3, GAISF 1, AIOWF 1, IPC 1 – all 'Olympic sports' and many IOC members: 15/18 IOC members in 2009) and NGs (Europe 5, Americas 4, Asia 4, Africa 3, Oceania 2). The IOC's OGs are a highly desirable political commodity for NGs. Unlike the 'sports movement', NGs are unlikely to vote as a bloc all the time as state interest compels those NGs desirous of hosting an Olympics, to vote with the sports movement in the Olympic interest.
- 2005 Paris: NGs via UNESCO implement ICADS in record time.
- 2007 Madrid: Realpolitik. IOC's preferred NG candidate John Fahey elected WADA President. WADC amended to accord with Olympic Charter, in that NGs wishing to bid for the right to host the Olympics must be WADC compliant. (WADC, Art 20.1.8)

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## WADC Contractually Binding

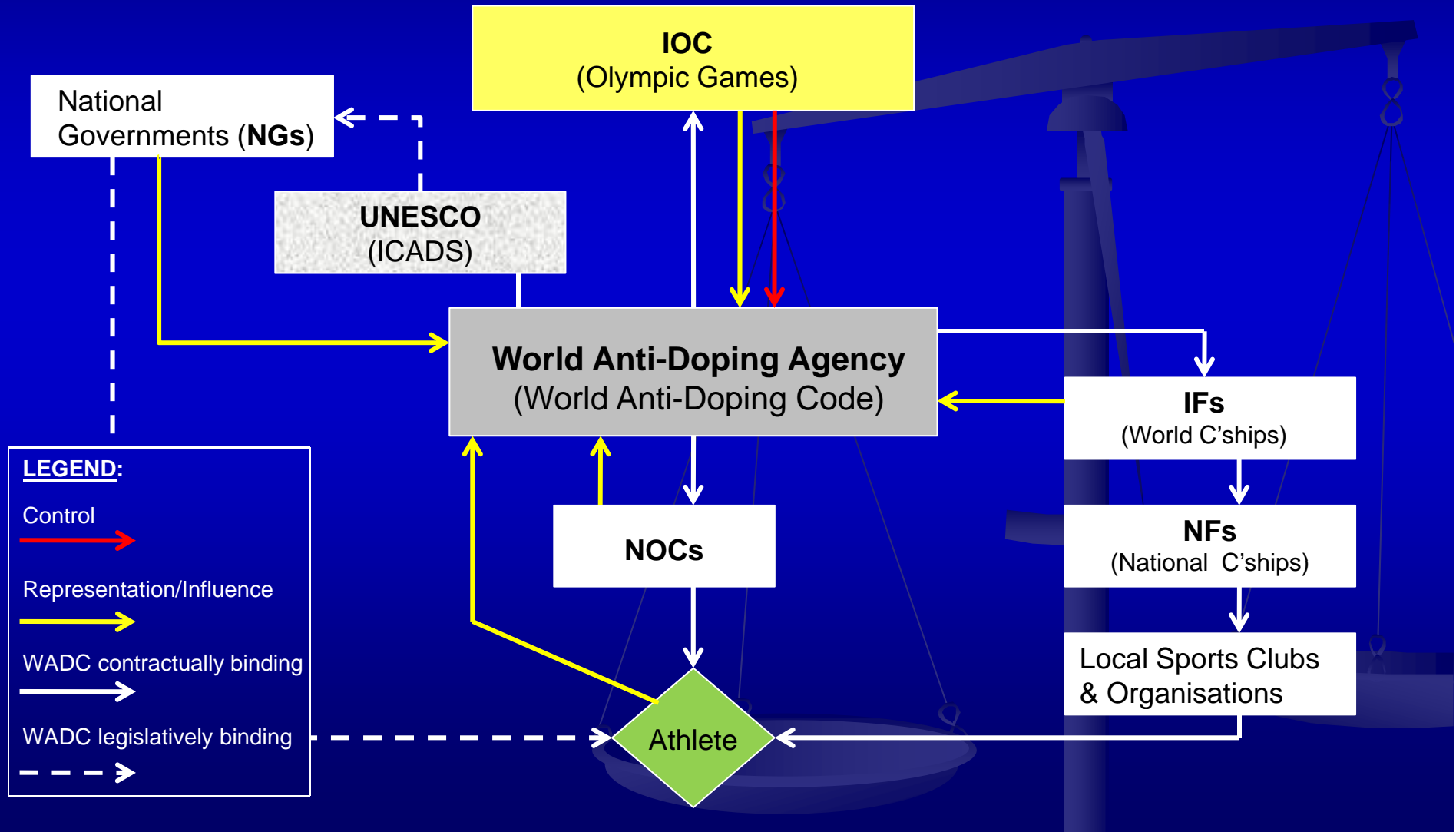


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## WADC Legislatively Binding – Post 2005

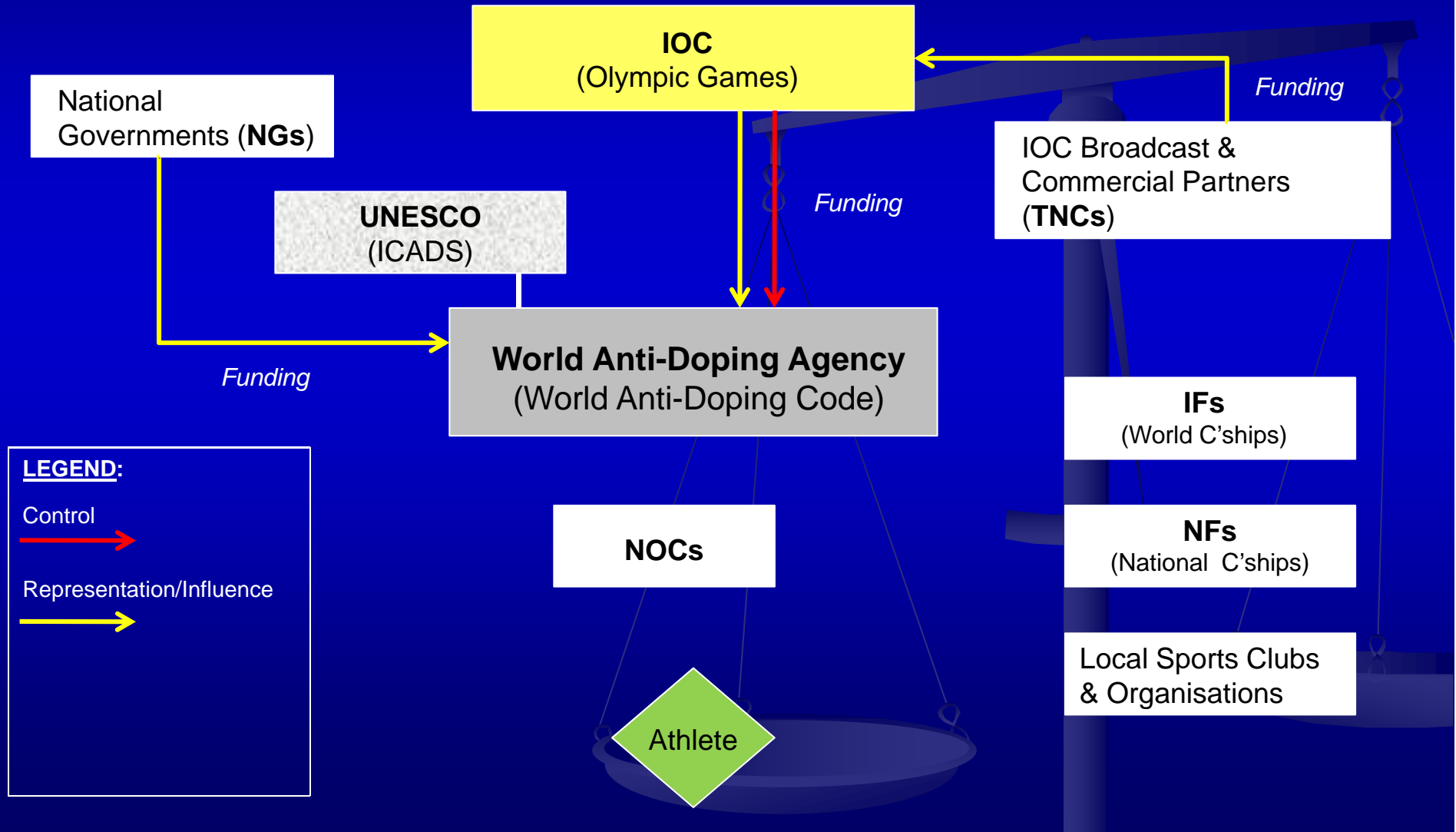


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## Funding of WADA



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## Show Me the Money!

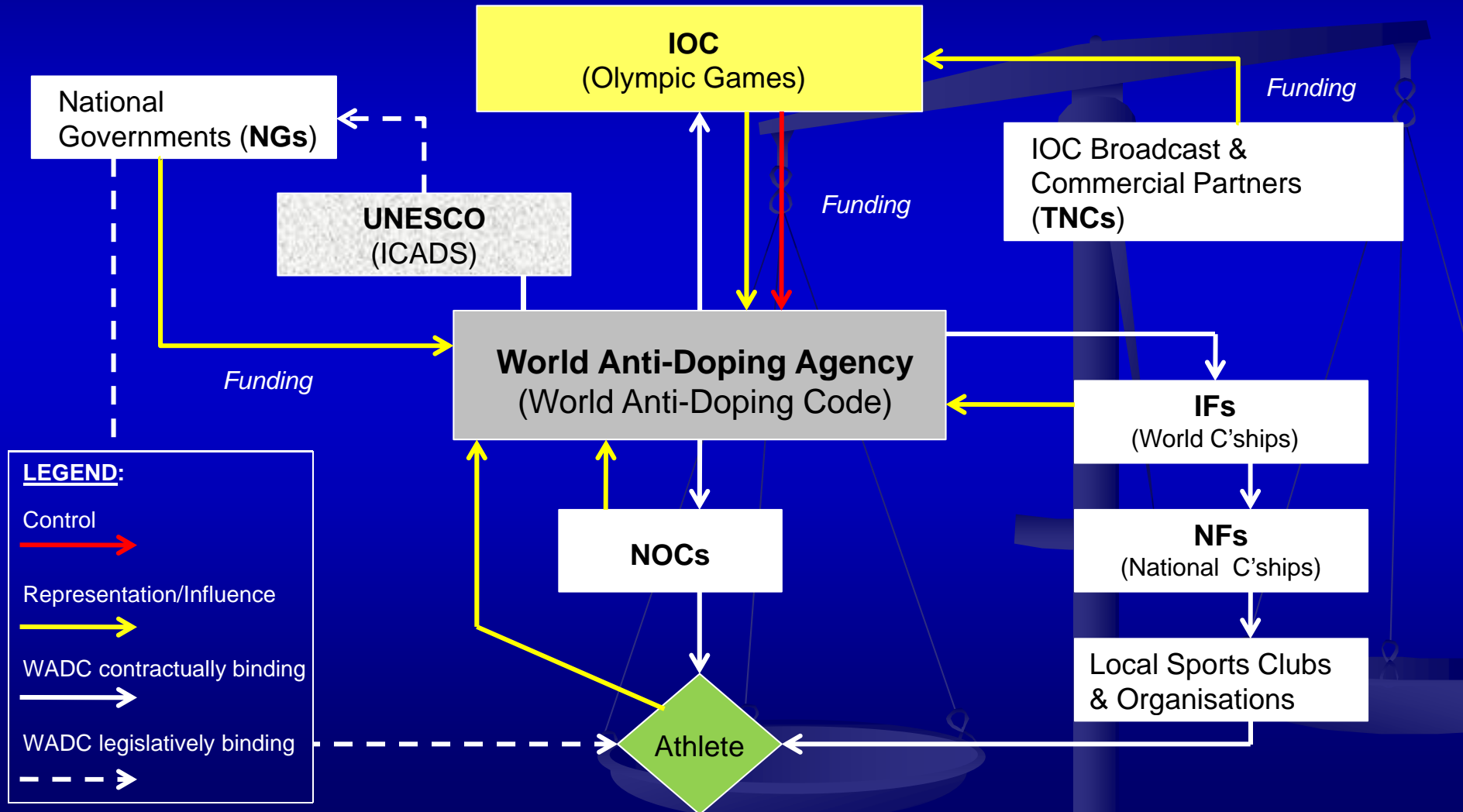
- Initial USD\$25 million provided by the IOC in 1999, funded the creation of WADA in its infancy. NGs did not financially contribute to WADA until 2003. Funding of WADA in its infancy gives IOC greater leverage over policy.
- Funding of WADA is 50:50 matched between the IOC and NGs.
- The IOC's financial contribution to WADA is sourced from its broadcast revenue (television). (Pound, 2004, 77; Pound, 2002, 57)
- WADA's annual budget in 2008 was USD\$24 million, funded equally by the IOC and NGs. (WADA Annual Report, 2008)
- The IOC is WADA's biggest financial contributor.
- The IOC's financial backing of WADA underscores its influence and role in developing international sports anti-doping policy and in particular, the WADC.
- Given the political nature of international sports anti-doping regulation, it is natural to assume that the IOC has acted and will continue to act in its own 'self-interest'. IOC a club of like-minded individuals. (Nafziger, 2004, 19-20)

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## Structure of International Sports Anti-Doping Regulation



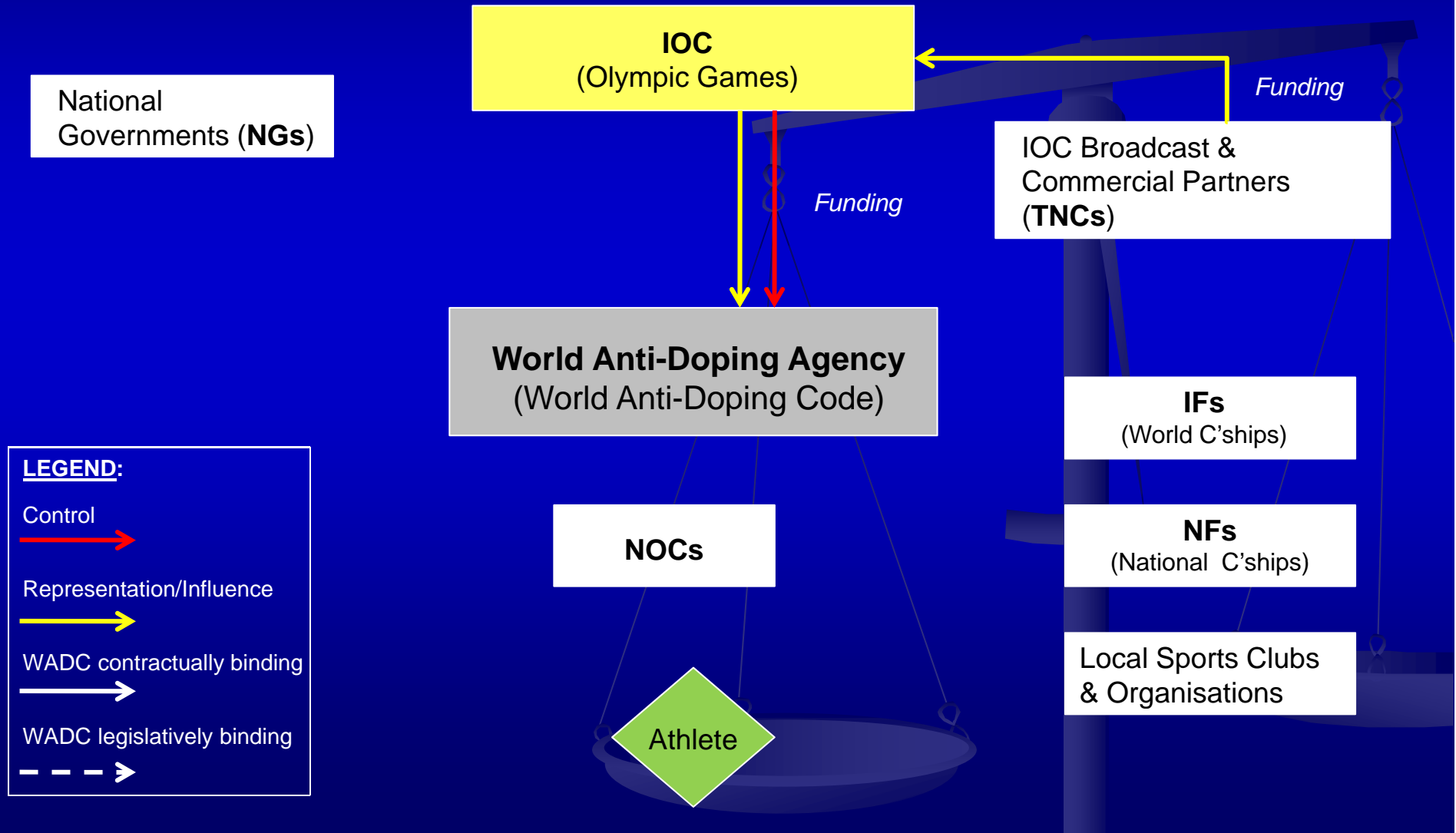


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## The Cereal Box Relationship



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## The Olympic Ideal: Clean Sport Matters

- The Olympic Image/Brand: Clean/drug-free sport and fair play.
- 2003 CAS Opinion on the WADC acknowledged the 'image of sport' as part of the policy justification for the WADC. (Kaufman-Kohler et al, CAS WADC Legal Opinion, 2003)
- Michael Payne (IOC Rights Executive): *'what we were selling, what the sponsors and broadcasters wanted, and what the public demanded, were precisely those ethical values that differentiate the Olympics from professional entertainment sports. We delivered pure sport'*. (Payne, 2005, 114, 122)
- Richard Moore (Marketing Executive): *'sponsors want to back clean sport, clean teams, sporting values and athletes who play by the rules'*. (BBC News, 27 Jul 2007)
- Pound: *'corporations, their brands, their products and their services seek to associate themselves with the many evocative images and values of the Olympic movement. These images add value to their enterprises'*. (Pound, 2004, 161).
- The commercial relationship and the need for clean sport as part of the Olympic image is one of mutual dependence between the IOC and TNCs for their commercial advantage.
- Effect of WADC: Athletes as role models?

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## Pillow Talk: TNCs Ability to Influence the IOC



AUSTRALIAN OLYMPIC TEAM



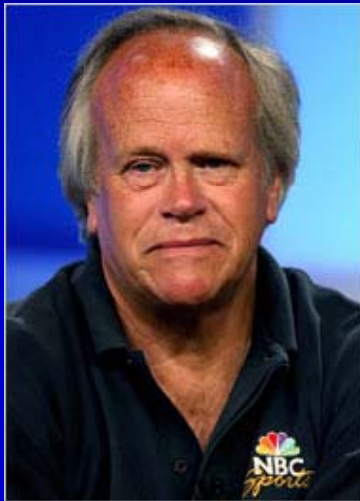
- IOC 121<sup>st</sup> Session 2009: *'the constituents of the Olympic Movement should take into account the opinions of .. sponsors, partners, suppliers and rights'*. (IOC, The Olympic Movement in Society, 2009, para 24)
- Pound: *'it is both right and proper that the private sector be involved in the Olympic Games'*. (Pound, 2004, 160-161)
- In 1999 when WADA was formed, Pound even sought to obtain representation on WADA for sponsors. (Pound, 2004, 281)
- Coca Cola presentation to IOC members prior to 1996 Atlanta Olympics: *'just as sponsors have the responsibility to preserve the integrity of sport, enhance its image .. so too do you have responsibility and accountability to the sponsor'*. (Coakley & Pike, 2009, 397)
- Pound: *'without commercial support, sport as we know it today, and the Olympic Games, simply would not exist. Trust me on this'*. (Pound, 2004, 166)

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## Money Talks



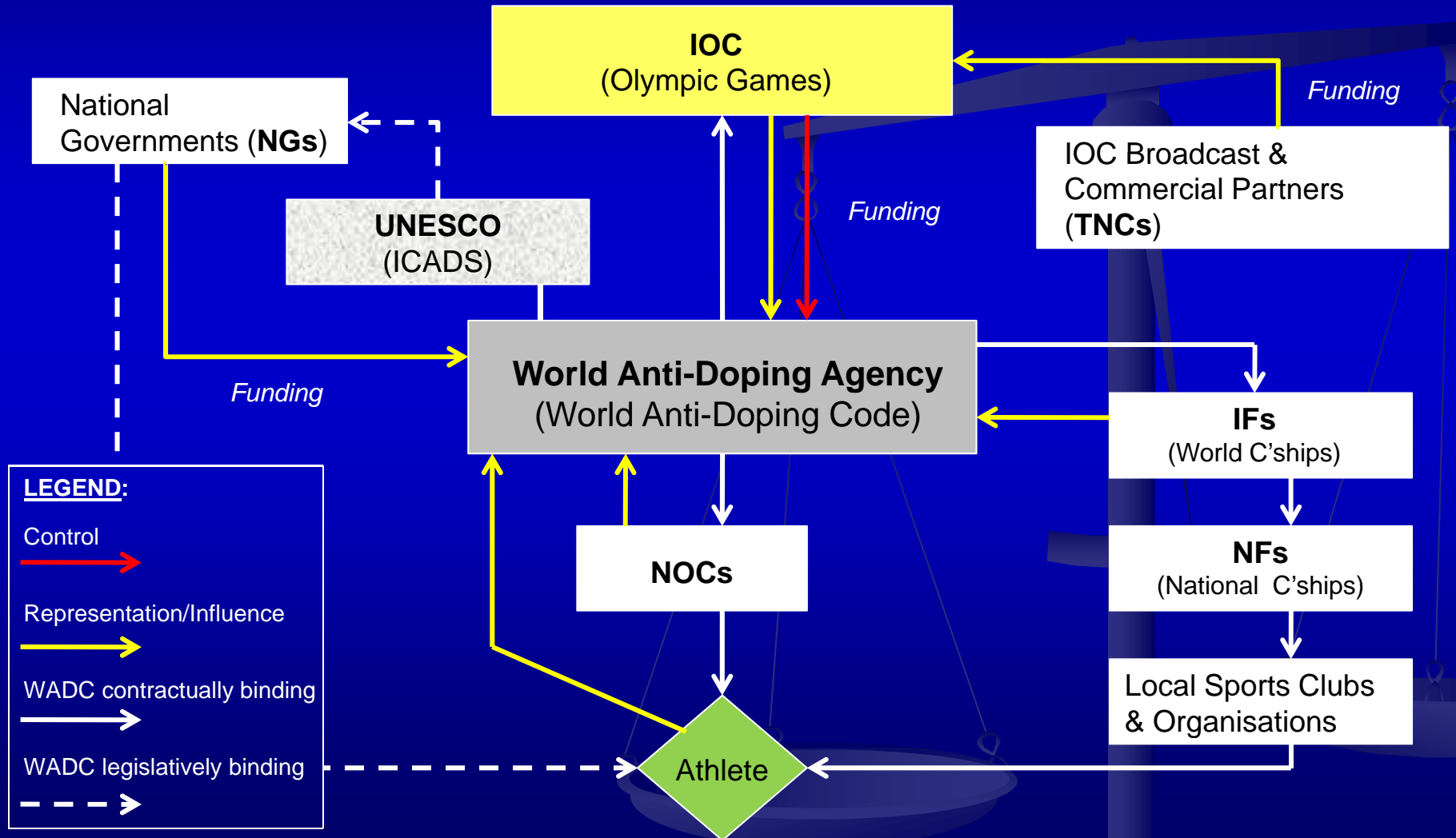
- *‘Commercialisation changes the location of control in and over sports. When sports depend on the revenues they generate, the control centre of the sports organisations shifts away from the athletes and towards those who have the resources to produce and promote sports’*. (Coakley & Pike, 2009, 407)
- Broadcasters are able to and do shape the form of the Olympic product they buy (ie. drug free and clean image of the Olympics, timing of events, rules, etc). (European Commission Report, Directorate General X, 1998-1999, 12)
- Beijing 2008: The IOC accedes to the demands of NBC to reschedule the Olympic finals for swimming and gymnastics to accord with its broadcast schedule. (New York Times, 25 Aug 2008). Other examples: World Series Cricket in 1970s and 1980s (rule changes) and the AFL (restart of play after TV advertisements).
- A compelling circumstantial case that TNCs (with their collective financial leverage) influence the IOC to push for strict sports anti-doping regulation (WADC) via WADA, to protect the integrity of the Olympic brand by ensuring it remains clean/drug-free.

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## Structure of International Sports Anti-Doping Regulation

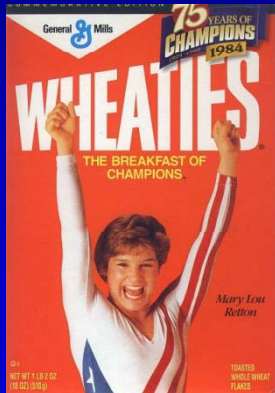


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## A Debate Worth Having...



- Against the background of the IOC's and Jacque Rogge's 'zero-tolerance approach' to drugs in sport in driving the ongoing development of international sports anti-doping regulation in the form of the WADC via WADA, when considering the mutual commercial advantages enjoyed by the IOC and TNCs as a consequence of a harsh and extremely strict WADC in its present form, the question now begs, has the WADC now gone too far?
- Does the WADC do more than is necessary to ensure fair competition and the elimination of cheating in sport (ie. no artificial enhancement of performance), by serving commercial interests in addition to and beyond those 'sporting' interests of athletes, sports organisers and spectators (ie. clean/drug-free Olympic brand)?
- Again, consider the recent 2010 cases of Stokes and Napoleon and the ongoing prohibition and treatment of conduct such as that which occurred pre-WADC in *Baxter* and *Raducan*.
- This is a debate worth having and now is the time for these questions to be asked and considered.