



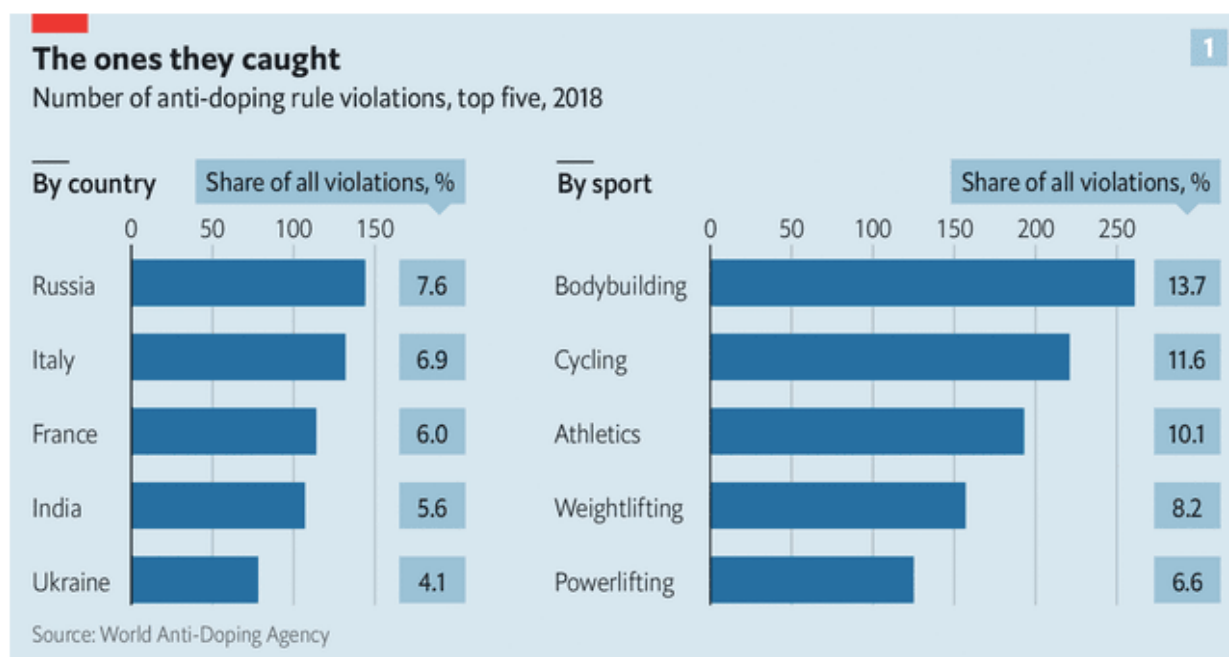
## Promoting Smarter and More Thorough Anti-Doping Procedures

*Old Dominion University Model United Nations Society*

### Introduction

Nine years ago, the American Lance Armstrong, winner of an unprecedented seven Tour de France bicycle races, admitted to using performance-enhancing drugs to ensure victory. Between the 1990s and the mid-2000s drug use in many sports was widespread and blatant. Doping is harder to get away with now than in Mr. Armstrong's day. But cycling's reputation has never fully recovered. Fans watching more recent Tours discuss drugs as much as they discuss tactics or which riders are on form. Fairly or not, suspicion now dogs every race.<sup>1</sup> Sporting integrity, once soiled, is not easy restored.

It is not just cycling. Doping is common in many sports. The Tokyo Olympics took place without an official presence from Russia, banned last year for falsifying data in the aftermath of the exposure, in 2015, of an enormous state-sponsored doping programme. Russian athletes competed independently. The pandemic forced athletes to compete in empty stadiums. Lockdowns disrupted the regimen of regular drug tests to which they are subject. Reduced scrutiny facilitates greater cheating everywhere. If estimates from former officials are to be believed, more than a thousand of the 11,000 athletes at the Tokyo summer games might have been chemically enhanced.



The Economist

<sup>1</sup> 'Doping is still too common', *The Economist*, 17 July 2017,

<https://www.economist.com/leaders/2021/07/17/doping-is-still-too-common>



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The earliest Olympic doping tests were in 1968. The apparent intractability of the problem leads many to throw up their hands and suggest removing the restrictions entirely. Humans are a technological species, after all. Physics is allowed to boost performance—think of lighter bikes, or springy shoes—so why not let chemistry rip, too? But the idealism of Olympic competition and the demand for fairness are important offices too. The history of the Olympics is a story pendulum swings between the extremes of idealistic purity and cynical cheating.<sup>2</sup>

However, many doping drugs have grave side-effects. Athletes dosed with steroids by the East German authorities during the cold war suffered problems including severe liver damage and stunted growth. Women—for whom the drugs were most effective—underwent the irreversible development of male characteristics such as deep voices and body hair. A free-for-all would hand victory to those most prepared to take reckless quantities of dope. Adult athletes would not be the only ones to suffer. Sports careers begin in childhood, under the dominant eye of ambitious coaches with much to gain and nothing to lose.

Athletes in virtually every country might be implicated. In 2013 the entire board of Jamaica's anti-doping agency resigned after it was revealed it had conducted only a single out-of-competition test ahead of the London games. Last year a former head of the sport's governing body, was sent to prison for corruption and covering up drug-test results. Just before the

Tokyo games Shelby Houlihan, an American runner and medal prospect, was barred from the contest after failing a drugs test.<sup>3</sup>

### Responding to the challenge

The World Anti-Doping Agency (WADA), based in Montréal, Canada, is funded by governments and sports bodies.<sup>4</sup> Its annual budget is \$40m, less than some top athletes earn. The WADA does not do testing itself. Rather sets standards for national anti-doping agencies and monitors their performance.<sup>5</sup> The national agencies that implement WADA's rules typically have even less resources. Meanwhile, sporting supporters, national federations, and corporate sponsors are much richer, and can use their resources to help athletes avoid regulations.



WADA's power is offset not only by national Olympic Committees, sport federation and corporate sponsors, but also by the IOS's Court of Arbitration for Sport (CAS). This quasi-judicial body reduced the WADA ban on Russian athletes from 4 to 2 years, allowing

<sup>2</sup> 'Doping at the Olympic Games', *Wikipedia*, n.d., [https://en.wikipedia.org/wiki/Doping\\_at\\_the\\_Olympic\\_Games](https://en.wikipedia.org/wiki/Doping_at_the_Olympic_Games)

<sup>3</sup> 'Russia and Kenya take the podium in the athletics doping contest', *The Economist*, 5 August 2021 (good graphic), <https://www.economist.com/graphic-detail/2021/08/05/russia-and-kenya-take-the-podium-in-the-athletics-doping-contest>

<sup>4</sup> 'World Anti-Doping Agency', *International Olympic Committee*, n.d., <https://olympics.com/ioc/wada>

<sup>5</sup> 'World Anti-Doping Agency', *Wikipedia*, n.d., [https://en.wikipedia.org/wiki/World\\_Anti-Doping\\_Agency](https://en.wikipedia.org/wiki/World_Anti-Doping_Agency)



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them to participate as individuals at the Tokyo games.<sup>6</sup>

Though new technology and increasingly strict rules have indeed made doping trickier than in the past, thousands of the 11,000-odd athletes at typical summer Olympic games could nonetheless be cheating. Steroids, erythropoietin (EPO) and newer, less familiar performance-enhancing drugs (PEDs) will have bulked their muscles, enriched their blood and allowed them to train harder than unenhanced humans would find possible. New drugs, clever tactics and institutional indifference or corruption could meanwhile help them outwit testers.

When it comes to hard numbers, official statistics provide a lower bound to what is happening. In 2018, the most recent year for which there are data, 0.6% of the 263,519 blood and urine samples analyzed by WADA-affiliated laboratories led to sanctions. Doping was more common in some sports—and some countries—than others. But WADA’s numbers reflect only those who get caught. David Howman, once WADA’s chief operating officer, says the real figure in elite sports might be more than one in ten—which would imply that over 90% of dopers were getting away with it.<sup>7</sup>

Athletes dope because drugs offer big advantages—potentially so big that un-doped rivals have no hope of matching them. WADA, the rules of which bind many sports, maintains a list of hundreds of banned substances. They range from obscure chemicals with names like IGF-1 LR3 and AOD-9604 to insulin (to boost muscle size), amphetamines (for their stimulating effects) and even diuretics (used to mask the presence of other drugs). The

clandestine nature of doping means that, for most drugs, there is little hard evidence for their effect on performance.

Money and national pride complicate things further. Though WADA oversees the anti-doping system for many sports, it relies on national authorities to do most of the legwork. “Many countries have really improved their approach to anti-doping over the past few years,” says a prominent observer. “But not everyone has the resources to do that.” In 2013 Renee Anne Shirley, a former boss of the Jamaica Anti-Doping Commission, said a lack of resources meant her organization had conducted only a single out-of-competition test in the months before the 2012 London Olympics, at which Jamaican athletes won a dozen medals. WADA itself is not exactly flush with cash. Its budget for 2021 is \$40m—less than some individual athletes earn in a year.

Lack of will is also a problem. Sport brings national glory, which can make questioning success risky. After her admission, Ms. Shirley was branded a traitor in Jamaica. State-sponsored doping programmes in East Germany, China and Russia were all aimed at winning political prestige. Sport brings in a great deal of cash, too. WARC, an advertising firm, reckons the worldwide sports-sponsorship market was worth \$48bn in 2020. All that money makes it possible to buy off officials. Last year Lamine Diack, Lord Coe’s predecessor as the head of World Athletics (then known as the International Association of Athletics Federations) was given a four-year prison sentence for taking bribes to hush up positive doping tests, as were five other officials. (Mr. Diack is appealing.)

<sup>6</sup> ‘The Court of Arbitration for sport reduces Russia’s doping ban to two years’, *Lexology*, 14 January 2021, <https://www.lexology.com/library/detail.aspx?g=cfd30e71-bca7-48df-b300-c23234414d49> and Panja, Tariq, 2020. ‘Russia’s Doping Ban Is Cut to a Largely Symbolic Two Years’, *New York Times*, 17

December 2020, <https://www.nytimes.com/2020/12/17/sports/olympic/s/russia-doping-wada.html>

<sup>7</sup> ‘Sport is still rife with doping’, *The Economist*, 17 July 2021, <https://www.economist.com/science-and-technology/2021/07/14/sport-is-still-rife-with-doping>



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## IOC Member States fight back

While European, Latin American and North American Olympic Committee’s lead international demands for better anti-doping, other Olympic Committees see their primary responsibility to be protecting their nation’s athletes from foreign criticism and ensuring their country lots of Olympic medals.

In 2019, WADA banished Russia from international competition—including the Olympic Games in Tokyo—for four years, the most severe punishment yet for a Russian scheme that aided its athletes doping and left Russian a sports a pariah. Under the ban,

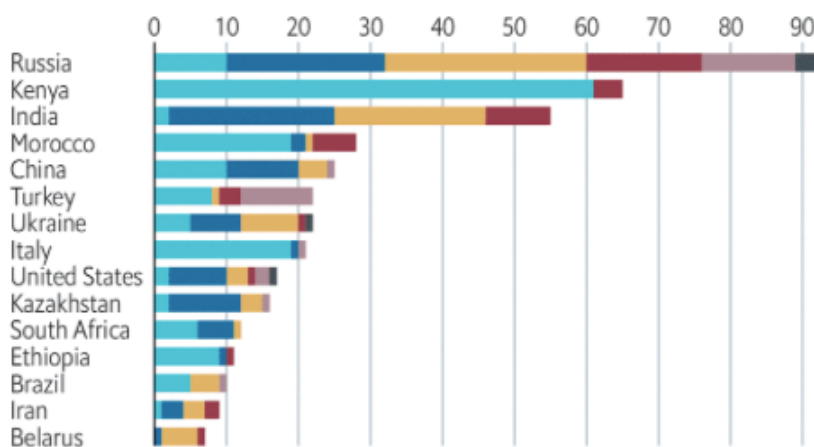
Russia’s flag, name and anthem were not allowed at the Tokyo Games in 2021 or the Beijing Winter Olympics in 2022. In practice the effect was minimal: Russian athletes not implicated in doping are allowed to compete in the Olympics and other world championships, but only under a neutral flag. Enormous pressure from Russia on the IOC led to this compromise.<sup>8</sup>

The World Anti-Doping Agency also barred Russian sports and government officials from the Games and prohibited the country from hosting international events. The decision, which appealed, set up a series of confrontations in the coming months and years as Russia fights to have its athletes and teams compete at major events.

## Perhaps it’s something in the water

Athletes currently banned from athletics for doping violations, at August 1st 2021

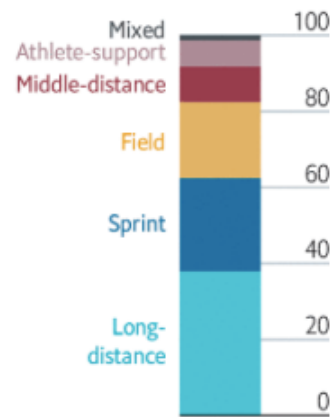
By nationality and discipline, top 15 countries



Sources: Athletics Integrity Unit; *The Economist*

The Economist

Share of violations by discipline, all countries



<sup>8</sup> Panja, Tariq, ‘Russia banned from Olympics and global sports for 4 years over doping’, *New York Times*, 9 December 2019,

<https://www.nytimes.com/2019/12/09/sports/russia-doping-ban.html>



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### Major Country and Block Positions

**Africa** is home to the world's greatest long-distance runners. They have attracted careful attention for suspected doping. Many appear to fall victim to its temptation. East African athletes, especially from Kenya and Ethiopia, have long excelled at long-distance running. Their dominance has led sports scientists to publish papers exploring whether people from that part of the world might have some genetic advantage that makes them particularly suitable for endurance events. But recent years have seen a string of doping busts, propelling Kenya and Ethiopia up the pharmacological accusation table as well as the Olympic medal list.<sup>9</sup> Most recently, Nigerian and Kenyan sprinters were barred from Olympics for doping. Olympic Committees in these countries complain they have minimal resources to examine their athletes. Critics argue they also have strong incentives to protect those they are supposed to expose.<sup>10</sup>

**China** consistently supports universal international law, including human rights law., and demands that anti-doping rules be applied rigorously and universally. There have been major allegations against Chinese athletics.

A former doctor for the Chinese Olympic team told German media that tens of thousands of

Chinese athletes took performance enhancing drugs in the 1980s and 1990s as part of a systematic government doping scheme. 'There must have been more than 10,000 people involved,' Xue Yinxian told public broadcaster ARD in a television interview first broadcast on Friday. "All international medals (won by Chinese athletes in that time) should be taken back.' Xue's claim of systematic doping contradicted previous statements by the Chinese government, which had denied any involvement in individual cases of Chinese athletes taking performance enhancing drugs.<sup>11</sup> More recently attention focused on Chinese swimmer Sun Yang. Charges against him were successfully fought by the Chinese IOC in Swiss courts.<sup>12</sup>

Unlike allegations from Russia, however, substantiation of such claims has not been forthcoming. The Chinese Olympic Committee maintains its anti-doping measures are the best in the world. China welcomes further international action to stop doping elsewhere.

**European** Olympic Committees are among the more legalistic and demanding. They generally are more likely to support their anti-doping authorities than their implicated athletes. There are exceptions, especially Eastern and Southern European Olympic Committees, which are more likely support the rights and integrity of their athletes. European Olympic Committees have. Reptation for high standards for themselves and expect other countries to behave similarly. They

<sup>9</sup> 'Russia and Kenya take the podium in the athletics doping contest', *The Economist*, 5 August 2021 (good graphic), <https://www.economist.com/graphic-detail/2021/08/05/russia-and-kenya-take-the-podium-in-the-athletics-doping-contest>

<sup>10</sup> 'Nigerian and Kenyan sprinters barred from Olympics for doping', *France24*, 31 July 2021, <https://www.france24.com/en/live-news/20210731-nigerian-and-kenyan-sprinters-barred-from-olympics-for-doping>

<sup>11</sup> 'Systematic doping of Chinese athletes in Olympic Games revealed by former doctor', *Deutsche Welle*, 21 October 2017, <https://www.dw.com/en/systematic-doping-of-chinese-athletes-in-olympic-games-revealed-by-former-doctor/a-41065227>

<sup>12</sup> Panja, Tariq, 'Chinese swimmer's doping ban is lifted after accusation of racism', *New York Times*, 23 December 2020, <https://www.nytimes.com/2020/12/23/sports/olympic/sun-yang-china-doping.html>



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also are more willing to support poorer countries struggling with anti-doping testing.

**Russia** was the scene of the world's most systematic doping campaign in recent years. In the 2010s, its antidoping experts and members of the intelligence service aided hundreds of top athletes. In the country's anti-doping laboratory, they surreptitiously replaced urine samples tainted by performance-enhancing drugs with clean urine collected months earlier, somehow breaking into the supposedly tamper-proof bottles that are the standard at international competitions.<sup>13</sup> Punished by the IOC, which blocked Russia from competing as a nation at the Olympics, Russia has led accusations against athletes elsewhere, especially in the Europe and the United States, presenting charges of massive doping there.<sup>14</sup>

**United States of America** generally leads international criticism of doping. In 2020, fed up with what it sees as a limp response to the Russian scandal, the US Congress passed the Rodchenkov Act, named for the whistle-blower, Grigory Rodchenkov, a former antidoping official who helped mastermind the scheme from his position as the head of the Moscow laboratory and later confessed internationally.<sup>15</sup>

This tries to assert American criminal jurisdiction over any sports event involving American athletes or companies, anywhere in the world. It gives American prosecutors the ability to impose ten-year prison sentences and US 1 million fines on those found to have aided doping. It does not apply to individual athletes. Travis Tygart, head of the United States Anti-

Doping Agency, described the Rodchenkov Act as a "game-changer".

### Some Possible Proposals for Action

In the Security Council, China is one of five Permanent Veto powers (the P5). With its veto, China can block resolution any resolution it opposes. For a resolution to pass, it requires China's support or abstention. The UN can act even on issues affecting one of the P5, but it probably must find formulas that are very general, focused on broad principles that China accepts. Alternatively, it might avoid specifically picking on China, but include obligations on all countries, in a way that China finds acceptable.

- **Authorize a study of the issue.** National Olympic Committees who prioritize protection of their athletes tend to be cautious about reforming WADA or new anti-doping procedures. Rather than vote for immediate action, they may seek ways to delay consideration of the issue. A common technique is authorize of a committee to further study the issues and make recommendations. The committee would have to be established, a way to select members made clear, funding ensured, terms of reference for its investigative work, and deadlines.

<sup>13</sup> Panja, Tariq, 'Inside Russia's failed doping cover-up', *New York Times*, 26 November 2019, <https://www.nytimes.com/2019/11/26/sports/russia-doping.html>

<sup>14</sup> Morse, Ben, and Aleks Klosok, 'Doping spat: Russian Olympic Committee hits back after US swimmer questions whether gold medal winner was '100% clean'', *CNN*, 30 July 2021,

<https://www.cnn.com/2021/07/30/sport/evgeny-rylov-ryan-murphy-roc-doping-spt-intl/index.html>

<sup>15</sup> Ruiz, Rebecca R., and Michael Schwartz, 'Russian Insider says state-run doping fueled Olympic gold', *New York Times*, 12 May 2016, <https://www.nytimes.com/2016/05/13/sports/russia-doping-sochi-olympics-2014.html>



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- **Reform the World Anti-Doping Agency.** Many national Olympic Committees and athlete groups insist that no reform to WADA can achieve much until it becomes fully independent of the IOC. One major complaint is that the key decision-making bodies are still populated with members of the International Olympic Committee, which accounts for half of WADA's funding. World governments supply the other half. WADA, the critics say, should neither be controlled nor governed by anyone who has a stake in the economics of sport competition if they are to be considered legitimate.<sup>16</sup>
- **Require a new international body** to perform and supervise and evaluate all anti-drug testing, not by participating states. Instead of relying on participating states and their national Olympic committees, give all relevant power to an independent international body. This will be resisted by many Olympic Committees, who prefer to maximize their own power to select and protect their athletes. It will require funding, and authority to operate in sovereign states and test athletes. Participating states will have to grant the new organization unprecedented power over their sporting affairs. And it will create controversy over the new organization's independence. For example, how are its leaders and staff chosen? Are they selected by participating states, and controlled by them? Or are they selected independent, which many states will resist?
- **Establish an international fund** for fully independent research on anti-doping detection and testing.
- **Reaffirm the authority** of each participating state alone to determine the eligibility of its athletes. This would mean rejecting the authority of international organizations, including the IOC and WADA, reverting to the national control and trust of the era before the 1980s. This option will not appeal among those who believe in international principles and standards. But it may be of interest to those Olympic Committees that seek above all the strengthen the sovereignty and independence of their states and the power of their nations.

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<sup>16</sup> Pells, Eddie, 'WADA approves reforms; athlete groups say they're not enough', *Associated Press*, 25

November 2021, <https://apnews.com/article/sports-2020-tokyo-olympics-doping-international-olympic-committee-9b5d3362c34783438657384371123d4c>



# Promoting Smarter and More Thorough Anti-Doping Procedures



## Bibliography

'The Court of Arbitration for sport reduces Russia's doping ban to two years', *Lexology*, 14 January 2021, <https://www.lexology.com/library/detail.aspx?g=cfd30e71-bca7-48df-b300-c23234414d49>

'Doping at the Olympic Games', *Wikipedia*, n.d., [https://en.wikipedia.org/wiki/Doping\\_at\\_the\\_Olympic\\_Games](https://en.wikipedia.org/wiki/Doping_at_the_Olympic_Games)

'Doping is still too common', *The Economist*, 17 July 2021, <https://www.economist.com/leaders/2021/07/17/doping-is-still-too-common>

Goldman, Tom, 2021. 'Once Again, Banned Russians Raise Questions About Doping At The Olympics', *NPR*, 3 August 2021, <https://www.npr.org/sections/tokyo-olympics-live-updates/2021/08/04/1024580668/once-again-banned-russians-raise-questions-about-doping-at-the-olympics>

Kantchev, Georgim Andrew Beaton and Joshua Robinson, 2021. 'We Will ROC You': How Russians Crushed the Tokyo Olympics Under an Alias', *Wall Street Journal*, 4 August 2021, <https://www.wsj.com/articles/russia-olympics-roc-athletes-tokyo-doping-ban-medals-count-11628070680>

Morse, Ben, and Aleks Klosok, 'Doping spat: Russian Olympic Committee hits back after US swimmer questions whether gold medal winner was '100% clean'', *CNN*, 30 July 2021, <https://www.cnn.com/2021/07/30/sport/evgeny-rylov-ryan-murphy-roc-doping-spt-intl/index.html>

'Nigerian and Kenyan sprinters barred from Olympics for doping', *France24*, 31 July 2021, <https://www.france24.com/en/live-news/20210731-nigerian-and-kenyan-sprinters-barred-from-olympics-for-doping>

Panja, Tariq, 'Chinese swimmer's doping ban is lifted after accusation of racism', *New York Times*, 23 December 2020, <https://www.nytimes.com/2020/12/23/sports/olympics/sun-yang-china-doping.html>

Panja, Tariq, 'Inside Russia's failed doping cover-up', *New York Times*, 26 November 2019, <https://www.nytimes.com/2019/11/26/sports/russia-doping.html>

Panja, Tariq, 'Russia banned from Olympics and global sports for 4 years over doping', *New York Times*, 9 December 2019, <https://www.nytimes.com/2019/12/09/sports/russia-doping-ban.html>

Panja, Tariq, 2020. 'Russia's Doping Ban Is Cut to a Largely Symbolic Two Years', *New York Times*, 17 December 2020, <https://www.nytimes.com/2020/12/17/sports/olympics/russia-doping-wada.html>

Pashaeva, 'Yana, 2021. We Will ROC You: How Russia Benefited From Olympic Doping "Ban"', *Slate*, 3 August 2021, <https://slate.com/technology/2021/08/russia-roc-olympics-ban.html>

Pells, Eddie, 'WADA approves reforms; athlete groups say they're not enough', *Associated Press*, 25 November 2021, <https://apnews.com/article/sports-2020-tokyo-olympics-doping-international-olympic-committee-9b5d3362c34783438657384371123d4c>

Ruiz, Rebecca R., and Michael Schwirtz, 'Russian Insider says state-run doping fueled Olympic gold', *New York Times*, 12 May 2016, <https://www.nytimes.com/2016/05/13/sports/russia-doping-sochi-olympics-2014.html>





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'Sport is still rife with doping', *The Economist*, 17 July 2021, <https://www.economist.com/science-and-technology/2021/07/14/sport-is-still-rife-with-doping>

'Systematic doping of Chinese athletes in Olympic Games revealed by former doctor', *Deutsche Welle*, 21 October 2017, <https://www.dw.com/en/systematic-doping-of-chinese-athletes-in-olympic-games-revealed-by-former-doctor/a-41065227>

'World Anti-Doping Agency', *International Olympic Committee*, n.d., <https://olympics.com/ioc/wada>

'World Anti-Doping Agency', *Wikipedia*, n.d., [https://en.wikipedia.org/wiki/World\\_Anti-Doping\\_Agency](https://en.wikipedia.org/wiki/World_Anti-Doping_Agency)