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### ► To cite this version:

Julie Demeslay, Ekain Zubizarreta Zuzuarregi. Power relationships between the WADA and NADOs and their effects on anti-doping. *Performance Enhancement & Health*, 2021, 8 (4), pp.100181. 10.1016/j.peh.2020.100181 . hal-04278532

**HAL Id: hal-04278532**

**<https://hal.parisnanterre.fr/hal-04278532v1>**

Submitted on 22 Jul 2024

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## Power relationships between the World Anti-Doping Agency and National Anti-Doping Agencies and their effects on anti-doping

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**DECLARATION OF INTERESTS:** None

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## ABSTRACT

We propose to apply sociological theories focusing on power and domination, with the twofold objective of advancing sociological research and bettering the understanding of the reality of anti-doping. Ethnographic studies conducted in eight countries have allowed us to compile heterogeneous data based on official documents from institutions, semi-structured interviews and observations in the field. Firstly, the study showed that NADOs had little decision-making power within WADA, besides giving feedback on the consultation processes. Secondly, decisions made by the latter were not always viewed positively, as they were seen as arbitrary and did not reflect NADOs' opinions and priorities. Furthermore, WADA developed assessment procedures focused on NADOs' activities and prioritizing short-term effects. As a result, we have perceived a decrease in the adoption of innovative solutions for local problems and the omission of several national realities due to the long chain of delegation existing between decision-making arenas and the implementation of procedures in the field. Finally, the study reveals the dissatisfaction or even disengagement that exists among NADO representatives. We argue that compliance has become the primary objective for some NADOs, which could result in prioritizing actions that are valued and recognised by WADA, thus hindering the development of anti-doping programs adapted to their local realities, or even evading anti-doping procedures.

## KEY WORDS

Anti-doping; WADA; NADO; power relationships; pragmatic sociology; empiricism

## 1. INTRODUCTION

*“We do not have any decision power; we just have to respect WADA’s demands. I always write suggestions and propose improvements (on consultation processes) but they are never taken into account (...) they do not even give me an answer.” (NADO worker)*

Created in 1999, the World Anti-Doping Agency (WADA) effectuated a completely new mode of governance in sport, bringing together representatives from public authorities and the Olympic Movement. Its harmonization mission relies on the implementation of the World Anti-Doping Code (Code) by signatories. Since 1999, three versions of the Code have been established: the first in 2003, the second in 2009 and the third in 2015. A fourth version will become effective in 2021. During Code revision processes, all stakeholders willing to participate are invited to make comments and suggestions on every article included in it. Although such a process aims to respect two of the main governance principles, i.e. democracy and transparency, criticism of the way these principles are respected are sometimes expressed by signatories, as observed in the excerpt above.

National Anti-Doping Organizations (NADOs), the national institutions in charge of anti-doping at a national level, are responsible for adopting and implementing anti-doping legislation; promoting and implementing anti-doping education and research; directing the collection of samples from the national pool of athletes; managing test results; and holding hearings at the national level (WADA Code, 2015).

Many researchers have studied their activity. Some have analysed the implementation of international anti-doping “devices” (Roth, 2014: every type of regulatory devices such as laws, the Code, Standards, etc.) at the national level (in Norway, Gilberg, Breivik, & Loland, 2016; Hanstad, 2011 ; in France, Trabal et al., 2008, 2010; in Brazil, Vasques, 2018); others have prioritised a comparative approach focusing on the level of harmonization among NADOs (Hanstad & Loland, 2005; Hanstad, Skille, & Loland, 2010; Hanstad & Wagner, 2011; Zubizarreta, 2018). Even if these papers differ in the number of NADOs studied and in the year of the research, one main conclusion can be drawn: there is a remarkable heterogeneity in the implementation of anti-doping devices.

Given this variation in the action of NADOs, the objective of our paper was to follow up Demeslay’s (2013) work that studies the period between the Uriage-les-Bains conference in 1963 and the tenth anniversary of WADA taking harmonization as an object. At the same time, the goal was to respond to the proposal to study anti-doping implementation from a national point of view put forth by Hanstad, Skille and Loland (2010):

*“One proposal would be to replace the classic implementation model with a perspective of how local organizations translate global policy. 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 to generate more data and to enable more nuanced analyses of power relations between WADA and NADOs as well as between NADOs.”*

In addition, our literature review did not identify any studies focusing on the “translation” activity conducted by NADOs. Therefore, we aim to shed some light on the topic by presenting a wide range of self-conducted research on the implementation of anti-doping devices by NADOs.

This paper focuses on the relationship between WADA and NADOs and its effects on anti-doping, from both the national and the international point of view. The choice to focus on the asymmetric relationship between WADA and NADOs was not made beforehand. While conducting the literature review and initial exploratory interviews, it seemed relevant to focus on the WADA-NADO relationship. For one thing, power and domination were present in many areas of research which explored the relationships between the IOC and governments within WADA. Wagner and Møller Pedersen (2014) defined WADA as a failure of the IOC; Hanstad, Smith and Waddington (2008) found that the parity between representatives of both collectives within WADA resulted in a parity in decision-making power; Demeslay (2013) argued, on the contrary, that IOC representatives still hold power.

The interest triggered by a reading of the opposed views of researchers was intensified by our fieldwork. Power relationships were mentioned in several interviews with stakeholders at a national level when referring to their activity and their relationship with WADA. They often insisted on the fact that, despite maintaining a good professional and even personal relationship with several WADA representatives, they did not have a say or exercise any power in anti-doping decisions.

The *emprise* model, developed by French pragmatic sociologist Chateauraynaud (2015), appeared to us as a relevant model for describing the relationship between WADA and NADOs as described by national stakeholders. In English, the best translation we could make of “having *emprise* on someone” would be “having a strong hold on someone”. This term seeks to reveal and describe a discreet and barely noticeable power relationship, albeit one that “people under control” sense very acutely, as it affects them personally.

Using a theoretical model such as the *emprise model* to analyse the reality of anti-doping meets the twofold objective of testing sociological theories and models to advance sociological research, and of bettering the understanding of the reality of anti-doping in order to assist stakeholders in improving the actual anti-doping system. The following research question derives from this twofold objective and will structure the paper: *What are the characteristics of the relationship between WADA and NADOs and how do they affect the anti-doping system?* By answering the question, we intend to show the practicality of the model for both sociological purposes and anti-doping purposes.

## 2. MATERIAL AND METHODS

Our research is the continuation of a project financed by the Fund for the Elimination of Doping in Sport entitled “Comparative Social Science Research: towards the Evaluation of Anti-Doping Policies” conducted between 2015 and 2017 in five State Parties, signatories of the UNESCO International Convention against Doping in Sport. It was conducted within the framework of the UNESCO Chair “Doping Studies and Analysis of Anti-Doping Policies” managed by Paris Nanterre University (France) and directed by Professor Patrick Trabal (2017).

Therefore, the article is based on ethnographic studies conducted in eight states: Algeria, Brazil, Colombia, France, Japan, Mozambique, South Africa and Spain (general descriptive information on these NADOs can be found in Annex 1). Case studies, understood as the application of ethnographical methods to particular “cases” (groups of people, institutions, events, programmes or other particular phenomena), have a great potential for describing unique phenomena as they naturally happen. This descriptive and inductive method allows researchers to make a rich and dense description of the object, to acquire relevant knowledge about it and to make a diagnosis when needed. Its particular strength lies in its flexibility and applicability to different situations (Karrera, 2008).

The data were collected from heterogeneous sources: official documents from institutions in charge of anti-doping (legislation, technical documents, toolkits, official reports, institutional statements, etc.), semi-structured interviews with key representatives of WADA, national anti-doping institutions, athletes and their support personnel, and observations. The excerpts presented in the article were compiled by us during our interviews; excerpts from interviews in French and Spanish have been translated by ourselves.

The data collected are summarized in the following table:

COUNTRY/ INSTITUTION	COLLECTED DATA	DETAILS
<b>SPAIN</b> (12 months in 2017)	Official documents	More than 100: Laws, guidelines, toolkits, official reports.
	Interviews	54: government lawyers, NADO workers, politicians, coaches and athletes.
	Field observations	Visits to the NADO, to the laboratory and to national training facilities.
<b>ALGERIA</b> (2 months in 2017)	Official documents	More than 160: Laws, toolkits, official reports, AUT demands, appeals and tribunal sentences.
	Interviews	28: government lawyers, NADO workers, politicians, federation members, coaches, athletes and doctors.
	Field observations	Visits to the NADO, to national training facilities, to federations' offices and attendance at national and international sports competitions.
<b>COLOMBIA</b> (4 months in 2017)	Official documents	More than 130: Laws, guidelines, toolkits, official reports, tribunal sentences and appeals.
	Interviews	34: government lawyers, NADO workers, politicians, federation members, coaches, athletes, doctors and laboratory workers.
	Field observations	Visits to the NADO, to the laboratory, to national training facilities and to federations' offices.
<b>FRANCE</b> (12 months in 2017)	Official documents	More than 100: Laws, guidelines, toolkits, official reports.
	Interviews	More than 120 interviews between athletes and pharmacists; 2 with NADO representatives and 2 with government representatives.
<b>SOUTH AFRICA</b> (6 months in 2018)	Official documents	More than 90: Laws, guidelines, toolkits, official reports, tribunal sentences and appeals.
	Interviews	19: government lawyers, NADO workers, politicians, federation members, coaches, athletes, doctors and laboratory workers.
	Field observations	Visits to the NADO, to the laboratory, to national training facilities, to federations' offices and attendance at national and international sports competitions.

<b>BRAZIL</b> <b>(12 months in 2017)</b>	Official documents	More than 80: Laws, guidelines, toolkits, official reports.
	Interviews	16: government lawyers, NADO workers, politicians, federation members, coaches.
	Field observations	Visits to the NADO, to the laboratory, to national training facilities, to federations' offices and attendance at national and international sports competitions.
<b>MOZAMBIQUE</b> <b>(12 months in 2017)</b>	Official documents	10: Laws, decrees, official reports.
	Focus group conversations	32 participants: students of the Sports Faculty of the Eduardo Mondlane University in Maputo.
	Interviews	5: NADO workers and politicians.
<b>JAPAN</b> <b>(12 months in 2017)</b>	Official documents	More than 60: Laws, guidelines, toolkits, official reports.
<b>WADA</b> <b>(2017 and 2018)</b>	Official documents	More than 100: Annual Reports, Codes, Toolkits, IS, TDs, drafts, reports from consultation processes, meeting minutes, Guidelines.
	Interviews with WADA representatives	3: Regional Office workers

Table 1: Collected data

Source: Personal files

We have completed this corpus with additional data published in various studies: Gilberg, Breivik and Loland (2016) and Hanstad's analyses (2011) for Norway; the Vilotte report (2015) for Jamaica, Romania, and Saudi Arabia.

For the interviews, several different semi-structured interviews were used. Some of the topics were common for all, but most varied depending on the interviewee's role, status and relation to the anti-doping world. All interviewees were questioned about their academic, professional, and sporting careers. We also questioned them on their judgement of the anti-doping system in force (devices, laws and sanctions) and on future challenges and possibilities for improvement. They were also invited to share any additional personal thoughts on the topic. In addition, some extra topics were added to the guide. When interviewing athletes, we also focused on their daily activities, training and competition schedules, their experiences with anti-doping (controls, the Whereabouts system, prevention and information activities and even adverse analytical findings and sanctions) and their knowledge and opinion of these. When interviewing politicians, government law-makers and other personnel related to NADOs, interviews were more focused on the rationale behind juridical and administrative choices and on the difficulties found in the implementation of anti-doping devices. Some other variations were included when interviewing doctors, federation members and coaches.

The different types of material collected enable us to look beyond the results shown in official reports. These reports, along with other official documents, can contribute to reconstructing several past events (doping scandals, adoption and implementation of anti-doping legislation, etc.). Nevertheless, they sometimes overlook relevant data, such as the motivations and attitudes of stakeholders (Karrera, 2008). Semi-structured interviews give us access not only to subjective human experiences (thoughts, intentions, feelings, emotions) but also to



information regarding relevant events that cannot be observed (past or private) or made accessible in any other way (Taylor & Bogdan, 1986). Finally, there are two main objectives to the inclusion of observations made in the field: collecting relevant information when there is resistance on the part of the actors, and contrasting already collected data with the reality in the field (Anguera, 1978).

Two methods were used to analyse collected data: triangulation and codification. Triangulation is considered to be a reliable method of comparison and aims to establish a minimum level of confidence in the authenticity of the information collected. It is particularly useful when interviewees are asked about sensitive issues, as such their experience with doping and anti-doping, or their opinion of their national NADO or of WADA. Codification assists the researcher in identifying relevant information, extracting it and clustering it in order to facilitate the subsequent analysis (Karrera, 2008). After a first reading of the transcripts, the themes for analysis were created and developed into more precise codes that were assigned to more specific sub-themes. A second reading of the transcripts was then carried out to identify relevant phrases and excerpts, and then assign codes to them. The textual elements grouped in the sub-themes provided the basis for analysis and interpretation.

## 2.1 Additional remarks

In order to preserve anonymity, personal names mentioned by the interviewees have been changed. In addition to that, we will only state which institution or type of institution interviewees belong to or work for. Further information could make identification possible, as the number of people working for some institutions (NADOs for example) is not large.

## 3. THEORY

Our objective is to comment on the main theories and to justify the choice of the *emprise model* by discussing its strengths in the light of some of the characteristics of the power relationships studied.

First of all, it must be pointed out that we understand domination as a relationship, not as an attribute of the actors, a permanent characteristic related to their status or place in the hierarchy. As stated by Crozier & Friedberg (1980), “domination can only manifest itself - and thus become binding for one of the parties involved - in a relationship that involves two or more actors depending on each other for the accomplishment of a common objective. Their personal goals are conditioned by that common objective.” This premise contradicts domination as understood by Bourdieu (1990). The place of the actor “in control” (by “actor” we understand a person, group or institution taking action), and the place of the actor “under control”, are not fixed beforehand, nor permanent, and having a higher “capital” of any type does not automatically create or establish a situation of domination. The statement that a simple difference in social status or a hierarchical relationship transcends exchanges between individuals or groups is not satisfactory for our analysis. It is in the moments of confrontation between actors that the place of each actor and the characteristics of his or her relationships are revealed and negotiated (Chateauraynaud, 2015).

Weber’s understanding of domination is in line with this premise. He stated that the different historical types of domination (based on feudal, patrimonial, bureaucratic, rational-legal or

charismatic authorities) are all based on the possibility of finding people willing to obey a determined order. This definition is close to the approach of pragmatic sociology. Nevertheless, Max Weber's conception fixes typologies for power relationships and does not emphasize their changing nature, overlooking how they are negotiated in moments of confrontation.

Inspired by the pragmatic philosophy developed by John Dewey, which is based on the idea of studying how actors (Dewey speaks of "publics") experience democracy (1916), contemporary pragmatic sociology in France proposes a break with the major critical theories developed by Foucault, Habermas, Bourdieu and Giddens (Chateauraynaud, 2015). The GSPR group ("Group of Pragmatic and Reflexive Sociology") has developed the pragmatics of risk since 1990. The GSPR started taking a real interest in domination and power relationships, often overlooked by pragmatic sociologists, by analysing the links between people and groups and the nature of these links. They focused on what were perceived as types of "soft domination", power relationships that result from concealed processes and are related to a network logic.

Following their initial research results, the GSPR created the neologism "*empreneur*" in order to describe the discreet activity of actors "in control", actors characterized as factors of *emprise*, factors of domination. The activity of *empreneurs* is usually slow and long-term. They take advantage of the blind spots existing in the public space to establish power relationships that are hard to notice and describe, but actors under control clearly sense the domination, and the consequences are very real for them. The term *empreneur* led to the development of the *emprise model* (Chateauraynaud, 2015). The author argues that an actor will be able to have a strong hold on another one if he or she maintains control over four resources:

1. Controlling exchanges between the actors involved
2. Controlling main decisions
3. Holding others accountable by developing assessment protocols and procedures and monitoring their activity
4. Granting recognition for their work

### 3.1 Controlling exchanges between the actors involved

The first resource lies at the origin of the *emprise*. The actor controlling exchanges is able to create a power relationship based on a debt system, a relationship from which it is almost impossible to escape. Exchanges differ between actors who have a formal relationship (through a contract or collaboration agreement, for example) or those who do not have any type of relationship.

In our case, a formal partnership exists between WADA and governments. WADA's role and objectives were clear from the beginning: several governments participated in its conception and later they all accepted WADA's "terms" voluntarily. A type of contract exists from the beginning, and the conditions must be clear. However, WADA has introduced many modifications to the rules that govern the anti-doping system, as well as to protocols for stakeholder participation and assessment procedures. Based on the statements made by national stakeholders, it will be argued that WADA has created a power relationship over governments by modifying the conditions that governments have accepted, and thus generating new task and obligations for them. The relationship between WADA and governments directly affects NADOs, as they are the institutions in charge of implementing WADA's anti-doping program at the national level.

### 3.2 Controlling the main decisions

The second resource is closely related to the first one. It invites us to shift attention from the nature of the relationship and conditions for collaboration, and to focus on decision processes and participation procedures.

Along with the International Federations, NADOs are the main anti-doping stakeholders. In addition to this, half of WADA's funding comes from governments, which also account for 50% of its members. Nevertheless, equal representation between representatives from the Olympic movement and from governments does not ensure equal participation and decision-making powers (Demeslay, 2013). Participation in the decision-making processes is still lower for NADOs. They are the national organisations in charge of anti-doping. Nonetheless, they are rarely appointed as national representatives within WADA by their governments.

Thus, it will be necessary to study the processes leading to the modifications mentioned in the first resource (3.1). It has been argued that WADA's decisions have a direct impact on NADOs (the need to implement a new device, for example). But what is the NADOs' role in the decision process? Is their participation in these processes respected, and to what extent is their opinion taken into account? NADO representatives' opinion of participation procedures and consultation processes will be analysed in order to evaluate the role and significance of NADOs in WADA's decision-making processes.

### 3.3 Holding others accountable

The third resource is related to the ability to hold others accountable. Holding third parties accountable means requiring them to report on and justify their actions. The *emprise* model highlights the importance of analysing the accountability imposed on actors, the demands that come with this, and the consequences for them of these demands. If an *entrepreneur* controls accounting procedures, he can impose his will without using force or being charismatic (Chateauraynaud, 2015). Furthermore, as Dujarier (2010) notes in his study of assessment procedures, automating assessment serves decision-makers as a peaceful, legitimate and effective way to privilege their conception of an issue. In anti-doping, this would mean imposing WADA's understanding of the problem and the solutions that need to be implemented.

We will also discuss NADO representatives' feeling that WADA assessment procedures have become a burden in recent years. Even if accountability is a normal activity for NADOs (they report to WADA, but also to other institutions, such as UNESCO or their Ministries of Sport), WADA's procedures seem to have become increasingly time-consuming and demanding for them in recent years.

### 3.4 Granting recognition

It has just been stated that an *entrepreneur* controlling accountability procedures does not need to use force or charisma to impose his will. The ability to grant recognition is the element that makes this possible for the *entrepreneur*. Actors under control can obtain profits from a positive evaluation of their action; symmetrically, they can receive a negative evaluation if their action is not considered appropriate. Both the positive and negative consequences that may result from the evaluation procedure, whether symbolic or tangible, will shape actors' activities. Moreover, when benchmarking-type assessment procedures are used, evaluation produces a ranking, presented as objective and indisputable (Dujarier, 2010). The ranking and the "competition" that are created weaken the evaluated parties' ability to resist.

In anti-doping, receiving a positive evaluation from WADA can bring about symbolic benefits (public recognition), but can also result in a tangible profit, such as a position on a committee. Conversely, being declared non-compliant could prevent a country from hosting major sports events, or could even stop national athletes participating in them. We will argue that a recognition-granting procedure does not only enforce an *emprise* relationship between WADA and NADOs, but also shapes the global anti-doping system, since it pushes national anti-doping actors to seek positive evaluation. Consequently, local priorities and needs can be overlooked, and NADOs' activity may be primarily centred on meeting WADA's demands. Recognition may then become the main objective for actors (Dujarier, 2010).

### 3.5 Conclusions of Part 3

The *emprise model* proposes a formalization of resources, observable through research, which an *entrepreneur* needs to control in order to maintain a strong hold on another actor. It thereby aims to become a tool for unveiling and describing these barely perceptible power relationships. As *emprise* relationships do not include simple manipulation techniques, it can be hard even for actors under control to understand the nature of the domination and to communicate it. However, centring the analysis on these four resources may allow us to study the characteristics of the relationship and, more importantly, its consequences on the anti-doping system.

Symmetrically, the model also aims to make the conditions for actors under control explicit, in order for them to resist domination or even free themselves from it. This aspect of domination is often overlooked, but also needs to be considered in the analysis of power relationships, because, as Foucault (1978) noted, the partial liberty of actors under control and their possibility to resist are inherent in every power relationship. Nevertheless, this paper will focus on domination and its effects on anti-doping.

After describing the model in detail, the main research question that has been formulated in the 1.1 Research Objectives section merits further development. In seriously considering the twofold objective of the paper, we propose an examination of the following topics. In relation to sociological research, we will attempt to answer the following questions:

- has WADA established an *emprise* relationship with NADOs? And:
- is it possible to establish a power relationship when a formal partnership exists between actors?

## 4. RESULTS

In order to respect the coherence of the argumentation, results will be presented in two subsections, each one covering two resources: 3.1 and 3.2; 3.3 and 3.4.

### 4.1 Controlling exchanges between actors and main decisions

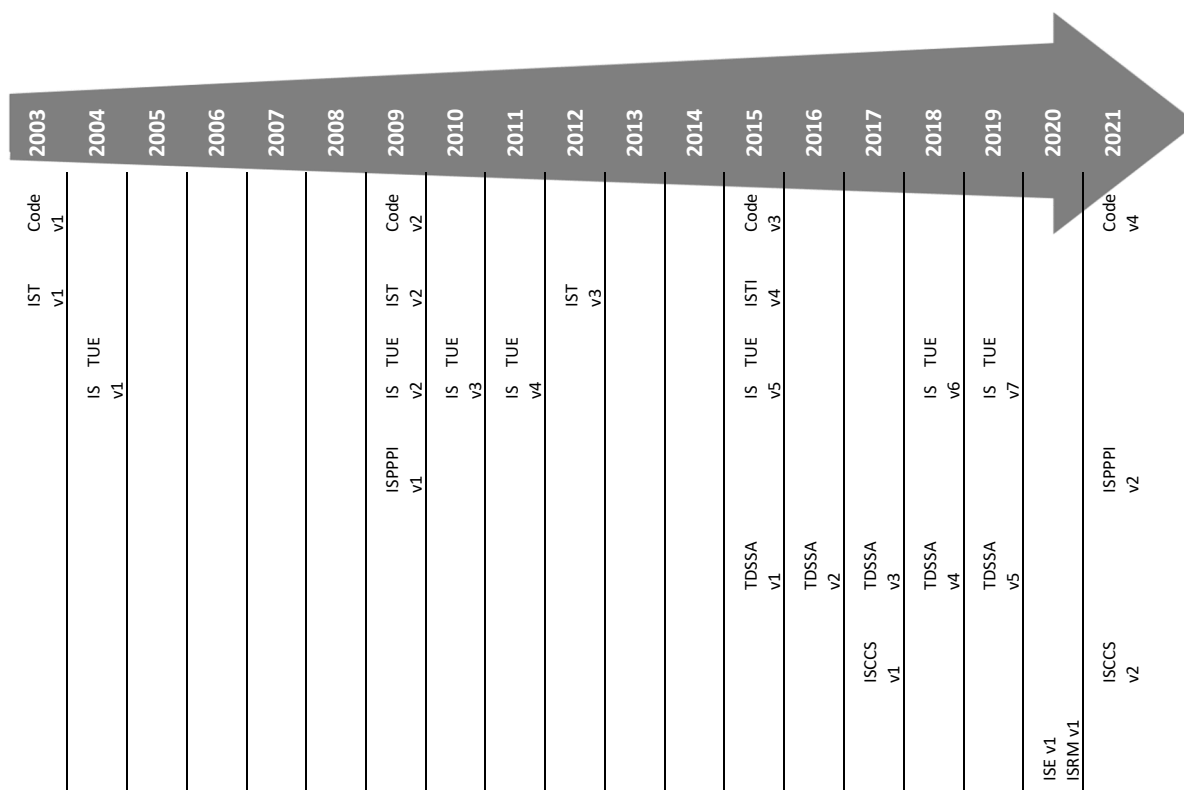
Demeslay's study (2013) focuses on the establishment of WADA and the development of the first version of the Code. The author shows how the deliberation processes took place: who participated, the different views on particular points, the criticism and discussions that arose, and how these divergences were overcome. The process gathered many representatives from governments and from international federations, especially those that had already set up an anti-doping programme in their respective countries or federations, with the aim of unifying the different anti-doping systems in existence. Marked by time constraints, discussions led to a

consensus and to the adoption of the first version of the Code and the first International Standards (IS), with the condition that adopted measures would be temporary and reversible (Demeslay, 2013).

In 2005, when UNESCO adopted the “International Convention against Doping in Sport,” the Code and IS were included as an annex. Governments began ratifying the Convention and adopting the Code and IS that had then become binding for them, and creating or adapting their national anti-doping system in order for it to be in line with Code requirements. Since then, WADA has developed new IS, toolkits, procedures and Technical Documents (TD) and renewed the Code and IS several times, introducing modifications to the system almost every year.

Governments that have ratified the Convention are still bound by the Code, IS and TD (we will use the term “Anti-Doping Program” when referring to the set of anti-doping devices developed by WADA), and are therefore compelled to accept these constantly-evolving conditions. Invalidating the ratification of the UNESCO Doping Convention or not accepting modifications is of course theoretically possible, but seems highly unlikely, as WADA could declare a country non-compliant, and this would result in the loss of the possibility of hosting major sports events or, theoretically, even participating in them.

In the table below, we have listed all IS and Code versions adopted by WADA since 2003, and the new versions that will be adopted up until 2021. The IS List of Prohibited Substances and Methods (Prohibited List) has not been included because it is modified every year and would overload the table. The IS for laboratories (ISL) is not shown in the table, because it applies to laboratories that, even if funded by governments, work independently. The number of versions that appear on the table is not the number that WADA uses to differentiate different versions. The numbers included take into account only the adopted versions, not drafts and other non-final versions. IST stands for International Standard for Testing (renamed in 2015 International Standard for Testing and Investigations); ISPPPI is the IS for Protection of Privacy and Personal Information; ISCCS is the IS for Code Compliance by Signatories; TDSSA is the Technical Document for Sport Specific Analysis; ISE is the IS for Education, and ISRM is the IS for Results Management:



Modifications introduced by WADA have had a direct effect on the work of governments and NADOs. The Anti-Doping Program has been modified extensively ever since most governments ratified the Convention. 108 countries ratified it before the end of 2008, when four SIs and the first version of the Code were in place; 152 countries accepted it before the end of 2010 and, since then, 13 modifications have taken place and 3 new ISs have been developed. These modifications entail considerable adaptive work for governments and NADOs, as they must implement them. This adaptive work usually brings about an increase in the cost of maintaining a national programme. It is necessary for NADOs to hire more personnel; the latter also need to be more specialized in order to be able to implement new devices and articles. The following extract illustrates this fact:

*“In 1998, there was Jessica, a secretary and 10 DCOs. Planning, testing... a lot of fieldwork. When I left (in 2001), they hired a CEO, Tom and an accountant. In 2008, there were 5 people. Now, 10 years later, there are 17 of us. We grew, but our responsibilities changed. Now we have more work and we need an education manager, a compliance manager, someone able to manage the results as required... (...) You can also imagine the rise in budget.” (NADO worker)*

The increase in budget and personnel (more personnel also involves a higher budgetary demand) has a direct effect on NADO activity. Many interviewees stated that the cost of any action that needs to be carried out is measured beforehand, in order to evaluate its suitability. Budget is perceived as the main limitation on their anti-doping work. NADO workers from three different countries stated that they have not recently conducted any innovative activity as they had done in the past due to budgetary constraints. The innovative activities conducted in the past were in prevention and education and included developing new tools and increasing awareness among populations not taken into consideration by WADA toolkits.

Modifications introduced by WADA also have other implications. Implementing specific articles can be a truly complicated task and may lead to NADOs being considered non-compliant. In 2015, the inclusion of night testing entailed serious difficulties in application in Spain and France (Palomar, 2013), where night tests were not allowed by their constitutions. After long political and deliberative processes, Spain adopted special decrees restricted to athletes (Palomar, 2013). The adoption of the last version of the Code was also problematic for France because the Court of Arbitration for Sport needed to be accepted as a last-instance court, and this was also contrary to the French Constitution (*Le Monde*, 2018). The process to overcome these difficulties and adopt WADA devices took several months and France was placed “under surveillance” by WADA - fortunately for them, this involved no further consequences.

Some could argue that an evolving system needs to change and that there is no power relationship that WADA is trying to establish: it is merely doing its job. Increasing the cost of the system and introducing modifications is just a necessary condition for a constantly evolving and improving system. Nevertheless, the characteristics of the decision processes leading to these modifications also need to be taken into consideration in order to analyse the conditions under which these modifications were negotiated and decided, i.e. the question of who makes the main decisions needs to be addressed.

Ever since the process that led to the creation of WADA and the development of the first Code, devices have been drafted by WADA members before submitting them to the stakeholders and beginning a consultation process consisting of two phases when they can give their feedback. The parity of representation inside WADA and the consultation procedures in place can give the impression that governments have considerable weight in the decision-making processes. Regarding NADOs, as signatories of the Code and the principal anti-doping organisations at the national level, their role in the decision-making processes should be appreciable, but an in-depth analysis of the current situation leads to a different conclusion. The statement made by Matthias Kamber, the former director of Antidoping Switzerland (Swiss NADO) illustrates this fact:

*The current document seems not to fulfil the stated request that “The focus of WADA’s compliance monitoring program is on dialogue and communication with Signatories”, but rather shows an imbalance between WADA and Signatories. (Kamber’s argument is followed by a list of nine actions that WADA should apply if the relationship with NADOs is to be balanced.)*

The illusion of parity needs to be questioned. This theoretical balance of power between governments and the sports movement is an interesting issue and, as was mentioned in the introduction, several researchers have written about it, presenting rather different results from ours, i.e., that WADA is independent from IOC (Hanstad, Smith, & Waddington, 2008). However, more than ten years have passed since the publication of this article and the situation has changed. As noted by two interviewed NADO representatives who have been part of WADA committees, equal representation does not result in equal weight in the decision, mostly because the level of expertise among these two sets of actors differs. The degree of expertise is not the same, mostly due to the rotating system, something that governments respect for democratic reasons. While representatives of the sports movement do not have capped terms and can sit on WADA committees for as many years as they want, government representatives rotate usually every 6 months, “a short period for understanding the system and acquiring enough experience to influence decisions” (comment made by a

NADO member after the interview, once the recording had stopped). Moreover, government representatives are often politicians without any great expertise in anti-doping, rather than members of national anti-doping organisations, who can hardly express concerns or transmit demands coming from NADO representatives in charge of the anti-doping work. For additional information on representation inside WADA, the constitution of its committees and the terms of representatives can be consulted in the WADA Annual Reports (<https://www.wada-ama.org/en/resources/finance/annual-report>).

Secondly, the consultation processes need to be analysed. They are used to consult all stakeholders before adopting a final version of the device. In the following announcement made by WADA in its website (<https://www.wada-ama.org/en/what-we-do/the-code/2021-code-review>, retrieved 18 June 2019), the Agency describes how they “solicit stakeholder feedback”, “carefully consider” it and “incorporate the best” of it into the drafts. Furthermore, the announcement states that WADA was “successful in building consensus” using this procedure:

*“The Code Drafting Team’s goal is to solicit stakeholder feedback and, incorporate the best feedback into successive working drafts of the 2021 Code. In the past, as a result of stakeholder consultation/dialogue, the Team has been successful in building consensus on the best stakeholder feedback.”*

Some stakeholders’ opinions are completely different, however. Consultation procedures have drawn considerable criticism in all countries included in the study, with only one exception. NADOs complain that they do not have a say in the debate or negotiation processes preceding the development of new devices and that WADA only gives them the possibility of “participating” using the consultation process. Nevertheless, this procedure ensures only that they are able “to give feedback”.

Demeslay’s (2016) paper analysing the arguments and critiques aimed at anti-doping devices shows that, since the first years of its existence, WADA has tried to forestall any future criticism. The existence of the consultation process is one of the main arguments deployed by Howman when defending the decisions taken, claiming that everyone is invited to comment on the processes in place. Stakeholders who have participated have all apparently accepted that the developed devices were adapted to the problems caused by doping; those who criticized it afterwards excluded themselves from the discussion. This therefore discredits their critique in Howman’s opinion.

Furthermore, during the first ISCCS consultation phase, Mathias Kamber, the former director of Antidoping Switzerland, criticised the timeline and the time of year chosen for it:

*For a document with such a high impact on the work of ADOs (administrative consequences), the timeline for responding and the holiday season of the consultation process is certainly not optimal. Therefore, we did not have the time and resources to make a full assessment of the draft ISCCS.*

Moreover, most representatives have the feeling that their voice is not being heard, not even at WADA meetings, where they are invited to participate but only so as to comment on certain issues proposed by WADA; they cannot give their opinion, make proposals or criticize any other point:



*“We are only asked to comment on articles that have already been written. (...) Even in WADA meetings, we don’t have the option to talk about other articles or to propose something.” (NADO worker)*

Finally, NADO workers do not know which criteria WADA uses to accept or refuse suggestions or comments made by them. WADA states only that they “incorporate the best feedback”, but without stating how they evaluate it. This can lead to “frustration and disengagement”, as one interviewee put it; he had stopped actively participating in consultation processes and sending comments because his suggestions were not taken into consideration and he never received an explanation.

A third issue, the “one-size-fits-all” nature of WADA devices, is closely related to the lack of weight of government representatives in decision-making. This point has been at the core of different research papers (e.g., Backhouse, Mckenna, & Patterson, 2009) or of scientific events, for example in the Conference organized by PCC (Partnership for Clean Competition) in London or in the INDR Conference in Aarhus in August 2019. The following statement made by the Netherlands Government also defends this argument:

*The ultimate objective of WADA is to ensure that strong, Code compliant anti-doping rules and programs are applied and enforced consistently and effectively across all sports and all countries. And the Dutch stakeholders fully agree. However, this goal is to be realized by 300+ ADOs, ranging from extremely small and poor organizations with only voluntary workers, to the largest ADOs with more adequate funding. This reality appears to have an inevitable consequence: that the ISCCS cannot be applied in the same way in all situations. On the contrary: customization will be badly needed.*

*That is why we want to emphasize that the goal (Code compliance) can be reached in more than one way. Both a centralized approach on the one hand, and ‘tailor made solutions’ on the other hand, are possible solutions for tackling any Non-conformities, with respect of the National legislation. (Comment made during the first consultation phase of the ISCCS, in June 2017)*

Several interviewed representatives stated that personalized solutions to national issues would make it possible for them to create stronger and more effective anti-doping programmes. While these stakeholders agree with the assumption that “one-size-fits-all solutions fit nobody”, WADA prefers to keep developing unique devices, precluding the adoption of innovative solutions developed to face particular issues when considered necessary by stakeholders.

NADO representatives feel that particular national issues should be prioritised and tackled. Examples are numerous: there are countries in which a considerable number of clandestine laboratories are producing doping substances, and which feel they need to enhance collaboration with the police to fight against this; several others would like to improve collaboration with customs authorities because doping substances arrive by post in their country; others may feel they need to focus on pharmacists. These are only some of the examples that were cited in the interviews held with national anti-doping actors when they were asked about how the anti-doping system could be improved and made more effective in their country.

In summary, it can be stated that WADA is the actor making decisions and, more precisely, that decisions lie mainly in the hands of sports movement representatives. This fact has led to modifications in the Anti-Doping Program that have not always been greeted positively by NADO workers, since they are seen as arbitrary and do not reflect their opinions. In addition to this, the increase in adaptive work and budgetary demand has resulted in a decrease in the adoption of innovative solutions to local problems. Moreover, as Gourgues (2013) notes in the review of literature on the subject, we can argue that WADA does not intend to democratize decision-making, but uses consultation processes to justify its action. It gives an image of an institution using democratic procedures and ensuring the participation of every stakeholder.

#### 4.2 Holding others accountable and granting recognition

Assessment procedures and evaluation protocols attract the attention of many sociologists. The study of these procedures facilitates the understanding of what is at stake in these types of relationships and how reporting and its successive evaluation may affect a particular system.

Dujarier (2010) highlights how important a positive evaluation can be for the evaluated actor when the benefits and sanctions that derive from it are viewed as important. Actors may even shift their attention from the reality (of the issues and challenges they are facing) and focus on the assessment devices in order to obtain the recognition that will shape their action. The following statement was made by Christina Johansen, Anti-Doping Denmark, in the first ISCCS consultation phase in 2017:

*“There is a risk that anti-doping programmes become less effective than today as core essential work, for example related to education, may be downscaled in order for ADOs to implement other and, in the circumstances, less important elements for the sake of passing the compliance test.”*

The term “reactivity” was developed by Espeland and Sauder (2007) and describes strategies used by actors and organisations to modify their activity in order to obtain benefits in relation to an assessment device or procedure. Arnstein’s work (1969) further suggests that there is a greater chance for these types of strategies to appear when actors do not identify with the evaluation protocols, because they did not participate in their conception but have been forced to accept them.

All this can help to explain the situation of most of the NADOs that have been studied. The benefits and sanctions (mentioned in section 3.4) they can obtain from WADA evaluations are important for them. Equally, it has been argued (4.1) that they have little power in decision processes and, consequently, in the conception of assessment devices. Moreover, some NADO representatives who have been interviewed state that reporting has become a burden in recent years. Evaluation procedures are growing increasingly time-consuming and demanding for them, implying a whole extra activity in terms of time demands.

Aside from general considerations, WADA’s assessment procedures and protocols merit study. WADA’s monitoring procedures are self-completed questionnaires (Questionnaire), ADAMS, audits and investigations, and the latter two are only used when considered necessary. There is not enough space to analyse the four devices in the present paper, so only questionnaires and audits will be briefly described. They have been chosen because ADAMS does not include

all NADO activities (only tests, results and TUEs) and investigations are infrequent, being conducted only when serious suspicion of malfunctioning or wrongdoing exists.

#### 4.2.1 Questionnaire

This is the main monitoring device used by WADA. NADOs must use it to report every year, and it now contains 600 different items. The Questionnaire is not public, and nor are NADO's answers. NADO members have allowed us to access it and study it briefly; we are not permitted to represent exact questions or to conduct an in-depth analysis of it. Despite the large amount of items included in it, the information collected has two major characteristics.

First, most items are questions with quantifiable answers (e.g., number of blood tests conducted) or multiple-choice responses (e.g., types of preventive actions carried out). These answers provide for a later statistical analysis so that results can be processed with the help of algorithms. These algorithms transform responses into a binary result, whether the country is compliant or not, and can additionally point out items where an extra effort needs to be made. WADA defends this device because it considers it an "objective procedure" of evaluation (an argument put forward by one WADA member in an interview). However, it must be said that only "outputs" (Mayntz, 2005) are measured (actions leading to short-term effects) and data are shown in a convenient way for WADA. Mid-term effects or "outcomes" and long-term effects or "impact" are not evaluated, for example the changes in the availability of products. This makes a qualitative analysis of NADO activities difficult. To give one example, if prevention activities were to be analysed, it would not be possible to discover which messages were used, if they were received positively or if it was mandatory for participants to attend.

Secondly, the items of the questionnaire solely assess NADO activities focusing on the tasks and objectives developed by WADA, overlooking the situation in the field. Many "realities" (local problems, issues or specific necessities) exist in the countries under study, realities that ought to be faced as local challenges but are not taken into consideration by the assessment procedures; as a result, NADO representatives can choose to neglect them and prioritise other actions. We do not refer here to deliberate cheating, for example protecting athletes by not testing them enough, reducing their sanctions or covering up positive cases. Instead, we refer to local realities that hinder the fight against doping and are not taken into consideration by the assessment procedures. The following list illustrates this with some examples that we have found in our research: doping substances can be bought in pharmacies without prescription in some countries; in others, doctors prescribe TUEs in exchange for money (even retroactive TUEs); in one of the countries involved in our research, customs officials were frequent steroid consumers and did nothing to prevent steroids being trafficked, as they were supposed to do. None of these realities are reflected in the assessment procedures developed by WADA. When similar issues have been uncovered, it has usually been by journalists, independent researchers or whistleblowers.

#### 4.2.2 Audits

Audits are visits that WADA conducts randomly or when suspicions exist that there are doping problems in a country or that some NADO may not be working as it should. The objective is to visit these countries, assess the situation and make recommendations in order to correct them.

Despite the different nature of this assessment procedure regarding the Questionnaire, Audits focus on evaluating NADO activity and do not take into consideration the reality of the field. Here is part of an interview with a WADA representative who participated in Audits:

*“But you know, so you submit those 600 questions and we have ADAMS. We can see if everything is right and then go to these countries. We have a number of countries that we are auditing. We have also audited FIFA this year, India, Brazil, Kenya, China. So we go to see exactly that”.*

*“You visit these countries to see if reports match reality?”*

*“Yes. We basically meet with the organizations that have completed this questionnaire and then we also receive feedback from athletes from the Athletes Commissions.”*

According to the interviewee, they do not tend to visit any city or region apart from the capital city, they do not interview athletes who are not part of the NADO committees, nor do they contact any other group of actors (federations, sports doctors, training centres, etc.). WADA workers only visit NADO facilities and assess their activity. When NADO workers were asked about the investigative nature of Audits, many voiced dissatisfaction and called for a shift in the governing strategies and the promotion of a more comprehensive system. The following excerpt from an interview reflects the feeling of impotence and even helplessness that several NADO representatives have regarding current assessment procedures:

*“We (NADOs and WADA) must help each other. They (WADA) do not trust us (...); they control us.”* (NADO representative)

In summary, it can be stated that WADA has developed assessment procedures aimed to automate evaluation and to make it as objective as possible. Controlling what is evaluated also makes it easier for WADA to legitimate their decisions. However, these assessment procedures only evaluate NADO activity, mostly in a quantifiable way and prioritizing short-term effects, which can make them feel as if they are being controlled. They ignore non-desirable data and long-term consequences, as well as the reality of the field and the effectiveness of the Anti-Doping Program therein. In addition to this, they reinforce the feeling among NADOs that they play only a small role in decision-making. All these elements can have a direct effect on NADO workers' mind-sets. Receiving a positive evaluation can become their primary objective, and this may result in them shifting attention from the reality of their national field and focusing solely on meeting WADA demands.

## 5. DISCUSSION

### 5.1 Analysing the utility of the *emprise* model

One of the two objectives of the paper was to determine whether WADA has established an *emprise* relationship with NADO. This would mean that an actor could establish such a power relationship even when a formal type of agreement exists with the actor under control. The analysis of the four resources shows that WADA holds control over the four of them, which makes it possible for it to impose its views on anti-doping and the devices it has developed.

This has taken place without its facing open resistance and with rather little criticism from the NADOs' side. The existence of the agreement has not stopped the *empeneur* from establishing a power relationship and increasing its hold over the actor under control. By keeping control over the four resources listed, it has been possible for WADA to modify pre-fixed conditions as it wished and to impose its will over NADOs, giving the latter few possibilities to resist or question its decisions. Finally, it should be noted that the accountability system and assessment procedures seem to be the key to legitimating WADA's approach, creating a competitive environment making group resistance difficult, and defining what the consequences of the *emprise* relationship will be for NADOs' anti-doping action.

Regarding the latter, our analysis has allowed us to identify several effects that can be grouped into two main ideas: NADOs' anti-doping activity is incessantly evolving, growing more complex and demanding; they feel they are losing control over anti-doping while being subject to an increasingly exhaustive control of their activity by WADA, which can bring about dissatisfaction and even disengagement. Regarding WADA's participation procedures, several of the NADO workers interviewed argue that their opinions are not heard by WADA, that do not have a say in the main points and decisions, and that they are only consulted on certain points. Their role in the decision-making processes is relegated almost exclusively to giving feedback on the consultation processes and their priorities are not taken into consideration. The consultation procedure therefore responds to the objective of legitimating decision-making rather than serving as an instrument to collect stakeholder views and adapt devices accordingly. This situation, along with the rigorous reporting system and the importance of receiving a positive evaluation, is creating dissatisfaction among NADO workers - dissatisfaction that can lead to some degree of disengagement (Arnstein, 1969) and can have a negative impact on anti-doping.

## 5.2 Consequences for anti-doping

Further research is needed to identify the consequences of anti-doping and the dissatisfaction and disengagement created by the current system. Nevertheless, we will try to set some theoretical basis for upcoming research using the information collected during our present study. Political theorist Albert O. Hirschmann (1970), after studying disappointed and angry user responses to the decreased quality of a product, stated that users had three choices: Loyalty, Voice and Exit. In anti-doping, the situation is different. Commercial logics do not apply, and the nature of the relationship between actors is different. Exit, quitting the system, is not conceivable, as the loss would be too great (there is no other sports authority they could join in order to participate in the biggest sports events).

Voicing an opinion, and even complaining, is possible, but it has been observed that many countries do not dare to criticize WADA publicly, even if they do so in anonymous interviews. The Russian crisis did bring a wave of criticism, but it must be pointed out that only 17 countries participated in the special NADO summit that brought about the "Copenhagen Declaration", the only official group declaration. The list of countries that participated shows that most of them are from North America and Europe, and all of them from developed countries: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Netherlands, New Zealand, Norway, Sweden, Singapore, Switzerland, the United Kingdom and the United States.

Loyalty seems to be the only choice, even for countries that have raised their voice in complaint, as they continue to comply with WADA anyway. However, a fourth option must also be considered. After conducting a broad literature review we have named this phenomenon “hidden resistance”. This cannot be neglected despite its infrequency: it involves not respecting the system while appearing loyal, and presenting the image of a compliant NADO.

Firstly, the consequences of Loyalty need to be analysed. Field observations suggest that some NADOs, in order to receive a positive evaluation and consequent recognition, may have overlooked the reality of the field exactly as it obtains with the assessment devices developed by WADA, and tend to focus their attention on meeting WADA requirements. This results in a prioritization of “actions that count”, actions that can be quantified and will be positively evaluated by WADA assessment devices (Dujarier, 2010; Garcia & Montagne, 2011), at the expense of other actions that may be considered necessary by national actors in light of the reality of their national situation, but may not have such a positive effect on evaluation. A part of NADOs’ daily activity is not measured or taken into account by WADA assessment devices. Furthermore, given the nature of the items included in the Questionnaire, NADOs might tend to value quantity and pay less attention to qualitative aspects of their work. Instead of planning tests in an intelligent way, with the objective of testing suspicious sportspeople in precise periods (the intelligence work would take a great deal of time and would result in a limited number of tests), it is possible that NADOs may choose to spend less time planning and therefore manage to have more tests conducted, which could result in a more positive evaluation.

Secondly, the effects of “hidden resistance” need to be explored. For actors choosing this fourth option, there could be several possibilities for bypassing or evading anti-doping devices. Apart from sophisticated subverting systems such as the one established in Russia, smaller and/or individual actions are equally possible. For example, NADO members could be casual or negligent in their activities, leading to malfunctioning; statistics could be faked (Dujarier, 2010) to make it seem that the NADO is compliant; and positive cases could even be covered up.

The consequences of these practices by governments and NADOs ought to be seriously taken into consideration by stakeholders, especially by WADA. Its governing system, which aims to reduce disparities among anti-doping devices and to reinforce the global anti-doping system, is producing undesired effects, as other research has also shown (Dimeo & Møller, 2014, 2018; Møller, 2016; Møller & Dimeo, 2013). On the one hand, the reality of the field is essentially being ignored by WADA and NADOs because of the long chain of delegation existing between decision-making arenas and the implementation of the devices, which could hinder the development of anti-doping devices adapted to actual challenges in the field. On the other hand, attitudes towards WADA and its governance are changing, and dissatisfaction and disengagement appear to be spreading among NADOs, which could result in a modification to their working strategy and a lower quality in their anti-doping activity. These two phenomena could result in the deterioration of the global anti-doping system.

## 6. CONCLUSION

The analysis of the relationship between WADA and national anti-doping institutions using the *emprise model* (Chateauraynaud, 2015) shows that the latter are under WADA’s control.

WADA holds control over the four resources described as creating an *emprise* relationship, but controlling the accountability system and assessment procedures seems to be the key, since it can create a competitive environment that makes group resistance difficult.

Under WADA's control, NADO anti-doping activity has become increasingly complex and has been subject to exhaustive supervision, while NADO priorities were overlooked and their role in decision-making relegated almost exclusively to giving feedback on the consultation processes. Dissatisfaction or even disengagement can appear as possible consequences and can result in undesired effects for anti-doping. Firstly, NADOs may overlook the reality of the field and focus their attention on meeting WADA requirements, prioritising "actions that count". The long chain of delegation existing between decision arenas and the implementation of anti-doping devices makes it difficult for anti-doping institutions to understand the reality in the field; the way NADOs shift their attention from the reality to WADA's demands by prioritising "actions that count" could make the situation worse and hinder the development of anti-doping devices adapted to local realities. Secondly, some NADOs may choose to bypass or evade anti-doping devices in order to be considered compliant, therefore threatening the quality of the anti-doping system. Both reactions have a negative impact on the global anti-doping system and could result in its deterioration if the current governing system does not change.

We believe that collaborating with social scientists specialised in doping and anti-doping issues would make it possible to complement quantitative and self-completed evaluation procedures, taking national cultural, social and political realities into consideration when explaining possible variances in compliance with the Code and the Convention.

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## ANNEX 1

### ILLUSTRATIVE INFORMATION ON NADOS

ALGERIA (2018)		BRAZIL (2018)	
<b>NAME OF NADO</b>	CNAD (temporary commission)	<b>NAME OF NADO</b>	ABCD
<b>CREATED IN</b>	2011 (tests since 2004)	<b>CREATED IN</b>	2011
<b>PERSONNEL/STAFF</b>	2 employed + 9 voluntary work (unpaid work)	<b>PERSONNEL/STAFF</b>	17
<b>BUDGET</b>	No information	<b>BUDGET</b>	6.700.000 reals (≈1.352.000 euros)
<b>SAMPLES</b>	102	<b>SAMPLES</b>	7335
		<b>LABORATORY</b>	Rio de Janeiro: urine and blood

COLOMBIA (2018)		FRANCE (2018)	
<b>NAME OF NADO</b>	GNA	<b>NAME OF NADO</b>	AFLD
<b>CREATED IN</b>	2004 (tests since 95)	<b>CREATED IN</b>	2006 (tests since 1965)
<b>PERSONNEL/STAFF</b>	9	<b>PERSONNEL/STAFF</b>	117
<b>BUDGET</b>	408.000.000.000 cop (≈107.806.000euros)	<b>BUDGET</b>	9.590.000 euros
<b>SAMPLES</b>	520	<b>SAMPLES</b>	7669
<b>LABORATORY</b>	Bogotá: suspended since 2017 (only profiling for ABP)	<b>LABORATORY</b>	Paris: urine and blood

JAPAN (2017)		MOZAMBIQUE (2018)	
<b>NAME OF NADO</b>	JADA	<b>NAME OF NADO</b>	AMOCAD
<b>CREATED IN</b>	2001	<b>CREATED IN</b>	2014
<b>PERSONNEL/STAFF</b>	No information	<b>PERSONNEL/STAFF</b>	
<b>BUDGET</b>	No information	<b>BUDGET</b>	No information
<b>SAMPLES (2018)</b>	5865	<b>SAMPLES</b>	RADO conducted these controls (there is no exact data)
<b>LABORATORY</b>	Tokyo: urine and blood		

SOUTH AFRICA (2018)		SPAIN (2018)	
<b>NAME OF NADO</b>	SAIDS	<b>NAME OF NADO</b>	AEPSAD
<b>CREATED IN</b>	1998 (tests since 1994)	<b>CREATED IN</b>	2013 (AEA since 2006)
<b>PERSONNEL/STAFF</b>	17	<b>PERSONNEL/STAFF</b>	94
<b>BUDGET</b>	32.820.000 rands (≈1.896.000 euros)	<b>BUDGET</b>	8.700.000 euros
<b>SAMPLES</b>	1124	<b>SAMPLES</b>	4863
<b>LABORATORY</b>	Bloemfontein: urine and blood	<b>LABORATORY</b>	Madrid and Barcelona: urine and blood