

Editorial

By Professor Verner Møller. Department of Sport Science, Aarhus University, Denmark



Has WADA given up on the idea of a level playing field?

A core reason for the establishment of the World Anti Doping Agency in 1999 was to form an efficient and harmonious opposition to doping in sport. Elite athletes participating in any Olympic sport should face the same sanctions for a doping rule violation. A harmonized approach to anti-doping in all sports and all countries was a priority. It was regarded as unfair that athletes in some sports were punished severely for doping offences, which in other sports were barely acknowledged as an offence.

No more than ten years ago the Swiss cyclist Alex Zülle came second overall in the first Tour de France where the average speed exceeded 40 kilometers per hour. That was only one year after he was a central figure in the eye-opening Festina affair. During the investigation Zülle admitted to having doped with EPO since 1993 and was consequently banned for four months.

Since then WADA has done a tremendous job in making sports organizations and governments worldwide aware that doping is something that needs to be taken seriously. WADA has succeeded in creating consensus around the two-year ban for first time doping offences.

However in the wake of WADA's successful promotion of anti-doping a new problem has occurred that once again has brought uneven conditions for athletes in various sports to the fore. In maybe the most doping prone sport of them all – cycling – the leadership which for many years turned a blind eye to doping has now become overzealous and implemented extraordinary sanctions that are not complying with the idea of the WADA code. Or rather

should not be. In fact article 10.12 of the new code actually opens the way for uneven sanctions by stating that:

“Anti-Doping Organizations may, in their own rules, provide for financial sanctions on account of anti-doping rule violations. However, no financial sanction may be considered a basis for reducing the period of ineligibility or other sanction which would otherwise be applicable under the Code.”

That is: so long as the WADA sanction is not reduced other Anti-Doping Organizations are allowed to punish the athletes even harder, which in effect means that the level playing field is no longer level. An analogy would be that so long as a given western court's punishment for robbery is not reduced other communities in the same society are allowed to add additional sanctions. It goes without saying that this is contrary to the idea of equal justice under the law.

However today that is the situation in cycling. Private race organizers have banned riders from participating in races after they have served their time, and teams are offering contracts in which the riders are obliged to pay a fine greater than their salary if they are caught doping; and the strict liability principle, makes this even more unacceptable of course.

WADA has been successful in exposing the doping problem to an extent where doping offences have become a serious threat to the sports business. Therefore the business has begun to protect its interest with draconian initiatives neglecting the rationale behind anti-doping: protection of fair and even competition in a doping free environment. Hence it seems about time that WADA begins to secure a level playing field on both sides of the net.

Citation suggestion

Møller, V (2009). "Has WADA given up on the idea of a level playing field?". INHDR editorial. September. www.doping.au.dk.