



CHAPTER 8

The World Anti-Doping Agency: Guardian of Elite Sport's Credibility

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INTRODUCTION

In 2013, Lance Armstrong received global condemnation when he admitted to having used doping to help secure all seven of his Tour de France victories. This remarkable fall from grace from an all-American hero shows how society does not tolerate the use of performance-enhancing drugs. Doping thus poses a major problem for all sport organizations and their stakeholders, ranging from corporate sponsors and media companies to public authorities: it affects the credibility of international sports competitions and therefore the legitimacy of their

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policies. A globally standardized anti-doping policy has consequently been developed and refined over time. But no matter how tight the rules have become, doping abuses keep coming to light, ranging from use at the individual level to large-scale, state-supported doping programs. The standard response has been to further strengthen the fight against doping.

The World Anti-Doping Agency (WADA) is the umbrella organization that has been created to lead the global fight against doping. It promotes and coordinates harmonized rules, procedures and sanctions, and monitors their application by sports organizations and governments. It also encourages research and the development of education and prevention programs.

The establishment of WADA in 1999 was a milestone in the endeavour to establish a globally harmonized and coordinated anti-doping policy. Previously, this policy was characterized by fragmentation, lack of resources, and ineffectiveness. The International Olympic Committee (IOC) and the international sport federations (ISFs) each had their own regulations. A small number of governments had introduced national anti-doping legislation. Overall, however, there was a lack of serious commitment to the fight against doping and a growing, mutual distrust between governments and the sports world, which both had reasons not to take doping abuse too seriously (Houlihan 2002a, b, 2004).

Understandably, there was scepticism about whether the establishment of WADA could change this state of affairs (Hoberman and Møller 2004). Already in 2005, however, one of the sharpest anti-doping policy critics, John Hoberman (2005), noted that WADA had achieved a credibility that the IOC had never earned. It managed to develop into an organization with a distinct, legitimate identity that is now considered indispensable in a system that pursues a doping-free world of sports.

The development and implementation of the World Anti-Doping Code (WADC) in particular commanded a great deal of respect. With this Code, WADA ensured a significant degree of harmonization in the anti-doping policy. It also laid the foundation for closer cooperation between governments and sports organizations on the doping problem (Hanstad 2009). The WADC has been adopted worldwide by more than 600 sports organizations, including the IOC, and by far the majority of national governments worldwide. By doing so, they pledge to follow the Code regulations that apply to them, including a sanctioning regime if they are declared non-compliant. Pielke and Boye (2019: 295) call it 'one of the

most successful examples of international cooperation in history'. And that is not an exaggeration.

WADA receives support from both sports organizations and governments not just for what it does, but also for what it *is* (cf. Boin and Christensen 2008). Amid the divergent and often opposing interests of competing athletes, teams, sports organizations and countries in the global battle for medals and championships, WADA is considered to be the impartial, objective, balanced and transparent referee on doping cases. It presents itself as 'the guardian of the values and spirit inherent in the Code' (WADA 2019b). With this, WADA not only appeals to sport ethics, but also to more general public values, in particular health, integrity and equality. These values underpin WADA's specific mission: 'to lead a collaborative worldwide movement for doping-free sport' (WADA 2019b).

As a global standard setter and guardian of these values, WADA has built up prestige and trust worldwide. That does not mean that its role in anti-doping policy has been undisputed. On the contrary, in the twenty years of its existence, the Agency has endured many storms of criticism. Questions have been raised about the independence and democratic legitimacy of WADA and the many negative consequences of the near zero-tolerance approach in anti-doping policy.

Compliance with the WADC is also a continuous source of concern. Tellingly, increasing evidence shows that the percentage of sanctioned anti-doping rule violations falls far short of the actual use of doping. Various scandals have shown that athletes, their teams and sometimes the states for which they compete, evade doping regulations in an organized manner. As the recent Russian doping scandal shows (more on that later), this can lead to large-scale doping, accompanied by corruption, forgery, blackmail and threats.

Despite these difficulties, WADA's stakeholders have not called for the abolition of WADA. Instead, they advocate reform and institutional strengthening through the expansion of WADA's authority and autonomy. For most stakeholders, WADA stands for more than an agency. It represents and reflects a core value that underlies the current sporting world: to 'play true', as WADA's tagline states. And more importantly: it preserves the credibility of elite sport. As such it protects what Pierre Bourdieu has called 'the *illusio*, the fundamental belief in the value of the stakes and of the game itself' (Bourdieu 2005: 9). In other words: WADA reinforces the belief that international sport competition is based on fair

play and worth the investment by sport organizations, private companies, and public authorities.

This chapter explores why and how WADA has developed into an institution that leads the global fight against doping. How did it build its own place and identity in the sporting world? What enabled it to grow into an institution with control over powerful ISFs and national states? What impact does its reputation have on sports organizations and governments? And how does it deal with the criticisms and scandals that threaten to jeopardize this reputation?

WADA differs in a number of respects from the other institutions discussed in this book. It is the youngest organization in our sample. As a result, this organization has been able to root itself less deeply as an institution than the other portrayed organizations, making it more susceptible to the volatility of its environment. In addition, WADA is unique in that it is a hybrid organization that is funded and managed by both public and private authorities. This hybrid structure ensures support and commitment from its authorizing environment and, thus, legitimacy. But that legitimacy does not automatically increase its autonomy. WADA must constantly be careful not to be crushed between the forces that the sporting and public authorities exert on each other. That requires strength and flexibility that grows as the organization acquires the character of an institution.

A MORAL CRISIS IN ELITE SPORT

The founding of WADA was a solution for a joint problem of sports organizations and national governments: restoring and maintaining the credibility of international sport competition. In brief, the recurring mediated doping scandals in the second half of the twentieth century resulted in the construction of a societal need for preserving the credibility of elite sport. The resulting pressure constituted the driving force behind a coordinated global approach to anti-doping. Distrust in the sports movement's ability to credibly and effectively lead the global fight against doping led to the establishment of an 'independent' (i.e. hybrid) agency tasked with coordinating the global fight against doping.

The use of stimulants in sport did not give rise to organized doping control for a long time. It was long seen as a more or less acceptable form of personal preparation and care. A number of deaths, in particular those of cyclists Knud Jensen during the Rome 1960 Olympic Games and Tom

Simpson on the flanks of Mont Ventoux during the 1967 Tour de France changed the dominant attitude towards doping and increased the pressure to prohibit the use of performance enhancing drugs (Dimeo 2008).

A limited number of ISFs and the IOC responded to this pressure by introducing modest in-competition drug testing programs. However, they had compelling reasons not to investigate allegations of doping too seriously: Developing, organizing and conducting doping tests is very expensive, suspending athletes can result in lengthy litigation, and revelations of doping abuse can damage sport as a commercial product (Hoberman 2005; Houlihan 2002a). National governments, moreover, generally saw doping as a sport-specific problem that had to be solved by the sports movement (Hanstad et al. 2008; Houlihan 2001). A large number of governments were passive about the issue as they did not want to invest major resources in anti-doping or jeopardize their international sporting successes.

The prohibition of doping set requirements and expectations for policy implementation that no single sports organization could meet as many questions were left unanswered. Which resources and methods did and did not increase performance? How could doping be monitored during and outside of sports competitions? How could the reliability of laboratory results be guaranteed? How could the rights of athletes be protected? How and by whom should the controls, analyses and administration of a global anti-doping policy be organized and financed? No single sports organization had the authority and expertise to establish a credible system that answered all these questions and could be applied to all sports in all countries (Hoberman and Møller 2004; Houlihan 2002a; Hunt 2011; Krieger 2016). In fact, without the joint and combined efforts of sporting authorities and public authorities, an effective drug control regime could simply not exist (Ritchie and Jackson 2014).

This situation changed from the 1980s. Various Western governments increasingly attached importance to high-level performance of national teams. Canada, Australia and France in particular took the lead in this respect, followed by various other European countries, including the United Kingdom, Germany and the Netherlands. They drastically increased their elite sport budgets and legitimized the prioritization of elite sport with reference to its assumed effects on sport participation, public health, social cohesion, national pride and international prestige (Houlihan and Green 2013; Van Bottenburg 2013). It should therefore come as no surprise that the doping scandal enveloping Canadian

sprinter Ben Johnson at the 1988 Seoul Olympic Games hit like a bomb; worldwide and especially in Canada. A series of inquiries into the values and belief systems underpinning Canada's elite sport system followed the Ben Johnson demasqué. Almost simultaneously, inquiries were held into major doping scandals in the United Kingdom and Australia. These inquiries resulted in increasing societal pressure to pay more attention to the dangers and downside of elite sport, including doping.

Giving an impulse to anti-doping policy only made sense for governments if this were to be done globally to create a level-playing field. First, domestic tests did not affect athletes that would train and compete in events in other jurisdictions where testing was unavailable or ineffective (Houlihan 2002a). Second, having more effective domestic anti-doping policies than rival countries meant losing out on the opportunities for international prestige offered by sporting success at major events (Houlihan 2001). Finally, ineffective anti-doping policies increasingly undermined the credibility of national performances in international sport competitions, the more society came to associate elite sports with doping (Houlihan 2004).

As multiple allegations of doping abuse and doping cover-ups emerged in the 1980s and 1990s, activist anti-doping nations increased their pressure on the IOC and the ISFs (Hanstad et al. 2008; Verroken 2005). The sports movement responded with inertia and vacuous optimistic rhetoric about the successes of their anti-doping policies (Houlihan 2001). The 1998 Tour de France doping scandal proved a watershed in this respect. Three days before the start of the Tour, the French police found a large number of doping products in the car of Willy Voet, the Belgian soigneur of the Festina cycling team. This was followed by raids on other cycling teams and arrests of cycling team directors, doctors, soigneurs and riders. The drug finds and confessions revealed a large-scale, systematic and organized use of doping in professional cycling.

The broader significance of this scandal was in the strong governmental intervention it elicited (Houlihan 2002a). This showed that (in this case: the French) public authorities were ready to take action and intervene in challenging the deeply embedded culture of doping in sports, that generated more and more media attention and caused public outrage (Hoberman 2005). Doping was no longer only an issue for athletes; it had become a matter of global public concern.

Aware of the threat of increased public intervention, the IOC responded by convening a World Anti-Doping Conference in Lausanne in

February 1999. Its aims were to restore the public image of the IOC and reclaim its leadership of the anti-doping movement. But the conference went differently than the IOC expected. Its moral leadership was questioned when several politicians lambasted the IOC for its past inaction on the doping issue (Hanstad 2009). Moreover, the conference was held at a time when the IOC's credibility had been further weakened by the fallout from the Salt Lake City corruption scandal. Members of the IOC were accused of taking gifts from the Salt Lake Organizing Committee during the bidding process for hosting the 2002 Summer Olympics.

In this atmosphere, the IOC was not resistant to the joint action of public authorities that demanded a more significant role in anti-doping policy for themselves. What was originally proposed by the IOC as an IOC-led Olympic Movement Anti-Doping Agency thus became the World Anti-Doping Agency (Hanstad et al. 2008). To ensure an acceptable degree of independence, public authorities requested that the agency was not placed under the control of sport organizations. Moreover, Canada was successful in its lobby to situate WADA's permanent headquarters in Montreal, and not Lausanne, where the IOC is based. Even though this was a 'win' by the narrowest of margins, its symbolism cannot be overstated.

The creation of WADA was an irreversible step for the public authorities: they would not allow the responsibility for anti-doping to return entirely to the sports organizations. Conversely, from the outset, sports organizations strongly opposed attempts to further the independence of WADA from the sports world (Hanstad 2009; Houlihan 2002a). Both parties agreed to make WADA the leading global organization in anti-doping policy based on joint funding and governance. As such, WADA became the vehicle for the solution of a shared problem: it potentially restored the credibility of international sport competitions to global audiences, reconfirmed the leading role of sport organizations in organizing these competitions, and legitimized and protected the investments in elite sport and anti-doping policies by a growing number of national governments.

A GLOBAL PUBLIC-PRIVATE BODY

The dependence of WADA on both sporting authorities and public authorities and the struggle for an equal distribution of power between these parties determine the organizational DNA of the World Anti-Doping Agency. Both elements are reflected in the design and governance

of WADA. They have also been decisive for how WADA has built its institutional status and has responded to fundamental questions and deep crises during its existence.

The Agency was constituted on 10 November 1999 as a foundation in the meaning of the Swiss Civil Code. Its legal seat is, therefore, in Switzerland, like the IOC and many other ISFs, though its principal office is located in Canada. It was founded by the IOC, represented by its president, Juan Antonio Samaranch, and its Director-General, François Carrard. At the request of the public authorities, the IOC funded WADA entirely for its first two years of operation. It endowed the Agency with an initial capital of five million Swiss francs, followed by a contribution of 18.3 million USD in its first two years of existence. According to Toohey and Beaton (2017), this was a significant gesture by the IOC to restore its credibility. While outwardly supportive, the IOC was not convinced of WADA's sustainability. At least some of its members hoped that sport's anti-doping leadership would return to the IOC if public authorities failed to reach an agreement regarding their share of the funding (Hanstad et al. 2008). After the initial two years, WADA's funding was sourced equally from the sports movement and national governments.

In 2018, WADA worked with a total budget of USD 32.1 million (WADA 2019a). The IOC's contribution is drawn from its Olympic Games revenues (Chappelet and Van Luijk 2018). The contribution of the governments differs per Olympic continental region. To achieve global public support for the agency, governments from North America, Oceania and Europe, in particular, agreed to pay disproportionately more than their Asian, South American and African counterparts (Toohey and Beaton 2017). In addition, WADA receives a subsidy from the Canadian government to help cover the lease of its Montreal headquarters (Chappelet and Van Luijk 2018).

According to the statutes, WADA is composed of a Foundation Board, an Executive Committee and several committees. The Foundation Board is the supreme decision-making body that delegates the current management and running of the agency to the Executive Committee. Both forums are composed equally of representatives from the sporting authorities and public authorities. The Foundation Board takes its decisions by an absolute majority of the votes of the members present; in the event of a tie, the chairman has the casting vote. Important elements of WADA's policy, such as amendments to the WADC, require a two-thirds

majority and therefore involve an extensive consultative process (Casini 2009; Chappelet and Van Luijk 2018).

WADA's statutes provide that the Foundation Board will ensure that the position of chairman alternates between the Olympic Movement and public authorities. This occurs after two three-year terms, unless no alternative nomination is made. To further promote and preserve parity among the stakeholders, the vice chairman must be a personality nominated by the public authorities if the chairman is a person nominated by the Olympic Movement, and vice versa (Casini 2009).

This alternating presidency was meant to create equal power relations. Government representatives, however, often had an inferior information position in comparison with their counterparts from the sporting authorities. Most public representatives 'come and go' as a result of constant changes in national cabinets, while representatives of the sports movement occupy their seats longer than good governance principles might consider desirable. In the Foundation Board and Executive Board, this works out in the advantage of the sports movement because they have far more knowledge and experience than their counterparts (Toohey and Beaton 2017).

When the Agency's headquarters were moved to Montreal in April 2002, an office remained in Lausanne to serve the European Region. Similar offices were set up in November 2003 to serve the Asia/Oceania Region (based in Tokyo, Japan) and the African Continent (based in Cape Town, South Africa). A Latin American Regional Office was created in 2005 in Montevideo (Uruguay). Their symbolic value was critical to WADA's successful establishment, facilitating WADA's geopolitical legitimacy in these areas. As a WADA staff member observed: 'now somebody from the region is representing WADA they can relate to somebody from the region. Somebody that understands the issues facing countries, which knows how to interact and is at least familiar with the protocols involved by going to their meetings' (Toohey and Beaton 2017: 490). In 2018, WADA employed 117 staff members with 48 nationalities, of whom 99 were located in Montreal, 10 in Lausanne and 8 in Montevideo, Cape Town and Tokyo (WADA 2019b).

This structure makes WADA an unusual, and possibly unique, hybrid intergovernmental-private body (Casini 2009; Chappelet and Van Luijk 2018). It is funded and governed on an equal basis by sports organizations and national governments: the standards and rules that WADA develops are established in consultation with these stakeholders. This

promotes the normative effect emanating from WADA. Its objectives, rules and procedures directly influence the regulations of sports organizations, the national legislation of states and the daily lives of athletes. WADA has become ‘a very significant institutional model’ (Casini 2009) for effective international regulation in other areas, such as those of environmental or health regulation (Casini 2009; Jenart 2018).

WADA is not the only international organization whose members are drawn from both the public authorities and NGOs or other private institutions (Chappelet and Van Luijk 2018). WADA, however, constitutes a rare case of ‘true joint decision-making, where private actors hold veto power’ in international politics (Börzel and Risse 2005: 202). The equality between public and private actors in the governance and funding of WADA is also quite uncommon among hybrid public–private bodies.

ESTABLISHING PERFORMANCE AND REPUTATION

Despite initial scepticism about its ability to overcome the manifold challenges in anti-doping governance, WADA quickly built up both a sound reputation and a good level of credibility. Leadership played a key role in this regard. While IOC Director-General François Carrard was instrumental in coordinating the negotiations with public authorities leading to the establishment of the agency in 1999, it was WADA’s first Chairman, the Canadian Richard ‘Dick’ Pound, who had proposed establishing an independent global anti-doping agency following the Tour de France doping scandal. Subsequently, he successfully advocated the equal funding of WADA by sports movement and public authorities, thus securing the latter’s commitment to the issue (Pound 2006).

Before his appointment as WADA’s chairman, Pound, a former Olympic athlete, had served sixteen years as a member of the IOC Executive Committee and eight as vice president. A lawyer and an accountant, Pound ‘was considered to be among the IOC’s most effective administrators’ (Hunt 2011: 112), combining ‘excellent leadership skills’ with ‘immediate charisma and presence’ (Parent and Séguin 2018: 232). As the head of the committee negotiating television and sponsorship deals on behalf of the IOC, he laid the basis for the strong commercialization of the Olympic Games in the 1980s and 1990s. His work as chairman of the ad hoc commission on the Salt Lake City corruption scandal solidified his reputation as the “go-to guy” to investigate allegations and/or tackle highly sensitive cases (Parent and Séguin 2018: 234).

Following WADA's establishment, Pound contributed greatly to its success by 'put[ting] his strong leadership in the service of the anti-doping effort'. Parent and Séguin (2018: 222) contend that, as chairman of WADA, 'Pound committed himself wholeheartedly to the fight against doping, building up the agency, raising athletes' awareness of the problem of doping, chairing international conferences and overseeing the preparation of [the WADC]'. Pound used his extensive network that reached across business, politics and the sports movement, to build relations and establish support for WADA (Pound 2006). He furthermore used his media-savviness to figure prominently in global anti-doping discourse, conveying 'honesty, integrity, and sense of justice' through 'his trademark straight-shooter approach' (Parent and Séguin 2018: 231). While sports leaders had been criticized for either sweeping doping under the carpet or adopting a compromising attitude, Pound made it abundantly clear that he supported an 'aggressive anti-doping mechanism' (Hunt 2011: 135). Unafraid to speak his mind to uphold the value of doping-free sport, he contributed to WADA's identity as an independent uncompromising anti-doping agency by engaging in public fights with recalcitrant ISFs and high-profile athletes (Parent and Séguin 2018). In short, Pound was 'a near perfect match for WADA's need of an aggressive leader' (Hunt 2011: 113).

Pound's efforts were backed by WADA's growing track record. WADA quickly controlled all discussions and policy developments that had to do with international doping policy (Beamish 2013). Moreover, WADA showed the world that it could deliver on its mission by successfully tackling a number of large doping cases surrounded by a great deal of publicity. Although WADA was established only in November 1999, it succeeded in making 'a significant and favorite impression' at the Sydney 2000 Olympic Games (Houlihan 2002a). By conducting additional out-of-competition doping tests in advance and setting up an office of independent observers during the Olympic Games, WADA immediately demonstrated that it wanted to create new confidence in global anti-doping policy. During the Nordic World Ski Championship in Lahti, Finland, WADA helped to uncover a wide use of blood doping among cross-country skiers from the home country.¹ WADA emerged from this highly mediatized 'Lahti scandal' as a new power, boosting its legitimacy and credibility (Hanstad et al. 2008). 'We started looking professional. We had a budget which was well prepared (...) We had very concrete programs in place. I think all that helped people realizing that they

were not giving money to a black hole', a WADA representative recalled (Toohey and Beaton 2017).

Soon after the Nordic Skiing World Championships in Lahti, WADA announced plans for 8000 out-of-competition tests over the next two years. WADA also accepted the IOC's invitation to observe all anti-doping activities during the 2002 Winter Olympics in Salt Lake City. With the successful performance during major sporting events, WADA was able to show immediately that it was a new powerful actor.

But these were just quick wins compared to the effect of the drafting, acceptance and implementation of the WADC, the 'fundamental and universal document upon which the World Anti-Doping Program in sport is based' (WADA 2019c). This Code provides the overall framework for anti-doping policies, rules and regulations within sports organizations and among public authorities. Together with a number of International Standards, it indicates which substances and methods are prohibited, how they are checked, which sanctions are imposed on violations, what the rights and obligations of athletes are, and which laboratories and agencies in the global anti-doping policy are recognized by WADA.

The Code was accepted after extensive consultations among all stakeholders and came into effect as of 1 January 2004. The signatories of the Code included the IOC, ISFs, the International Paralympic Committee, NOCs, National Paralympic Committees, Major Event Organizations, National Anti-Doping Organizations, and WADA. Around 600 sports organizations have thus accepted the WADC. Moreover, it was included in the Olympic Charter. The adoption and the implementation of the Code was now mandatory. Governments or sporting institutions that fail to comply with the WADC might be rendered ineligible for bids related to the Olympic Games or other major international events (Casini 2009; Jenart 2018).

As the WADC is embedded in private law, WADA cannot force any national government to formally comply with the Code. But it can bound national authorities to Code through a UNESCO Convention. In October 2005, the International Convention against Doping in Sport (an international treaty), was unanimously approved by 191 governments at UNESCO's General Conference. The Convention enabled national governments to align their domestic policy with the Code, thereby harmonizing the regulation and legislation of anti-doping policies (Beamish 2013; Casini 2009). More than 180 countries have ratified the Convention (WADA 2019b). This worldwide acceptance has greatly

contributed to cementing WADA's moral and geopolitical legitimacy (Toohey and Beaton 2017).

The WADC is not a static document. It has been modified over time, following rulings on doping-related disputes by the Court for Arbitration for Sport, the evolution of the use of doping, concerns over athletes' rights and new analytical techniques and detection tools. Following broad rounds of stakeholder consultation, revised versions of the Code entered into force in 2009 and 2015.² These have various extensions and specifications, which have greatly increased WADA's mandate. Examples are the introduction of whereabouts and the Athlete Biological Passport, and the acceptance of new or adapted rules regarding sanctioning, registration and information exchange.

For a reliable implementation of the Code, WADA has accredited several dozen laboratories worldwide for testing blood and urine samples. These samples are collected from athletes by doping control officers from National or Regional Anti-Doping Organizations (NADOs/RADOs), ISFs, or so-called 'service providers' (commercial companies that can be hired by anti-doping organizations to perform anti-doping work). All affiliated states must have a NADO or join a RADO.³

Over the years, WADA has evolved into a global standard setter that carries out significant normative functions and produces 'soft-law' in the form of recommendations and good practices. Looking back, Houlihan (2014: 274–275) concluded that 'in the thirteen years since its establishment, WADA has been extremely successful in developing a coordinated approach to doping (...). The speed with which the Code was ratified by IF's and other sports organizations, especially the IOC, was exceptional, but no less so than the speed with which the UNESCO Convention was ratified. Within six years of its establishment WADA could rightly claim that the architecture of a robust anti-doping policy regime was firmly in place'.

That does not mean that the use of doping has decreased as a result of WADA's successful policy. In the context of this book, 'being successful' means that WADA is recognized and esteemed in its role as guardian of the values and spirit of the World Anti-Doping Code, thereby gaining reputation and legitimacy as an institution. That the anti-doping regime is becoming more strict, the costs of this policy are increasing and the privacy of athletes is coming under increasing pressure, while it cannot be demonstrated that the policy is becoming more effective in reducing

doping in sports, is another matter (De Hon 2016; Waddington and Møller 2019).

MISSION MYSTIQUE IN A CHALLENGING ENVIRONMENT

WADA's image differs from other international sport organizations that operate in the highly challenging world of commercial and professional sports. This is a transnational, non-governmental world of high passion and big money. Cheating, bribery and corruption risks are real. Transparency, democracy and internal accountability are at relatively low levels (Geeraert 2015). In this challenging environment, WADA manifests itself as an oasis of credibility. This contrast gives WADA's 'mission mystique' (see Table 8.1) something special, endowing it with enhanced value and profound meaning (Goodsell 2011). This applies to both WADA's sense

Table 8.1 WADA's mission mystique (based on Goodsell 2011)

	<i>Prime qualities</i>	<i>Essential elaborations</i>	<i>Temporal aspects</i>
A purposive aura	<i>Direction:</i> leading a collaborative movement to realize a doping-free sport as impartial, objective, balanced and transparent referee agency in a contrasting and challenging environment	<i>Importance:</i> aiming to restore and safeguard the credibility of sport competitions and sport performances and related public values and public investments	<i>Confidence:</i> presented as the guardian of the values and spirit inherent in the globally accepted and valued World Anti-Doping Code
Internal commitment	<i>Dedication:</i> dedicated and committed staff members and volunteers convinced to fight for the good cause	<i>Community:</i> proud to be a unique public-private referee agency that leads the play	<i>Identity:</i> repeatedly celebrating its history and achievements with internal and external stakeholders
Sustaining features	<i>Dissent:</i> always collecting feedback from all stakeholders with each renewal of the Code, International Standards, and Technical Documents, though little open to criticism and offering limited explanation of decisions made	<i>Policy space:</i> pursuit of independence and autonomy; navigating cautiously partial interests of its public and private stakeholders	<i>Renewal:</i> increased funding and governance reforms in response to crisis

of purpose, the passion and commitment with which it pursues its mission and the way in which the Agency strives for organizational transparency, autonomy and renewal in the execution of that mission.

Mission

WADA has what Goodsell (2011) calls a ‘specified mission’: by accepting the WADC, the sporting and public authorities have delegated to WADA the authority to act as a global standard setter and referee agency, amidst divergent interests of athletes, teams, sports organizations and countries in the global battle for medals and championships. This mission has assumed the status of an ‘agency mantra’: it is ‘repeated over and over’ (Goodsell 2011: 16) in its documents and, thanks to its treatment of high-profile cases, also in public discourse.

Intentionally or unintentionally, WADA’s logo accentuates the contrast between the Agency and its environment: a black square against a white background with a green ‘equal sign’ in the box and the words ‘play true’ as tag line under the name of the organization. The square shape represents the customs and the rules that define sport. The colour black evokes neutrality and refers to the traditional colour of the referee in the world of sports: WADA wants to be seen as a referee agency with impartial, objective, balanced and transparent judgements. The ‘equal sign’ in the black square shape expresses equity and fairness. ‘We observe the highest ethical standards and avoid improper influences or conflicts of interests that would undermine our independent and unbiased judgment’, WADA emphasizes as its core values (WADA 2019b).

Passion and Commitment

WADA is proud of the way in which it manages to implement its mission. The first motivation for this is that WADA performs its extensive tasks in a surprisingly small organization. At the end of 2019, WADA had a staff of around 100 employees. Second, the passion and commitment of these employees is grounded in the conviction that it is necessary to fight for the good cause: to protect athletes, to protect sports and greater public health; to promote honesty, integrity and equality; and to fight against cheating and the dangers and consequences of doping in an environment where bribery and corruption are always looming. ‘Our fight is everyone’s fight (...) We are proud to be leading the play’, WADA states in

an introduction video of its activities (WADA 2019b). Third, the pride in the organization is based on the conviction that WADA can make a difference. As WADA Director-General, David Howman, underlined in 2015: ‘Sometimes we forget how unique WADA is on the international sport and political stage and how the achievement of harmonizing rules is very rarely done globally’. This joint cooperation between public and sporting authorities ‘gives us real strength’, a WADA representative declared. ‘They realize that it is impossible not to think about having sport and government together. Sports failed prior to WADA’ (cited in Toohey and Beaton 2017: 489).

In order to cultivate and institutionalize this ‘esprit de corps’, WADA regularly pays attention to its origins and historical highlights. It commemorated, for example, the signature of the 100th, 125th, 150th and 175th government to ratify the International Convention against Doping in Sport. It has been celebrating ‘Play True Day’ every year on 10 April since 2013 along with athletes and anti-doping stakeholders around the globe. And of course, it used its own anniversaries to look back at its historical development and achievements. In 2019, it published a video celebrating its 20th anniversary, which was premiered during the Agency’s Fifth World Conference on Doping in Sport in Katowice, Poland. The video featured a number of WADA’s external and internal stakeholders speaking of how WADA came about, its leaders, its progress and its challenges.

Transparency, Autonomy and Renewal

As a result of the participation of public authorities in its funding and governance, WADA is experiencing greater internal and external pressures to be impartial, transparent and accountable than private international sports organizations do. These core values therefore constantly recur in WADA publications, both with regard to its functioning as an organization and its anti-doping policy. To give substance to this, WADA always collects feedback from all stakeholders with each renewal of the Code, International Standards and Technical Documents. It promotes scientific research to ensure that its policy is accurate, comprehensive and up-to-date. And it publishes Annual Reports with extensive financial reporting and statistical data on anti-doping tests worldwide.

Nonetheless, WADA faces strong criticism, in particular from NADOs, athletes, academics and journalists. The criticism mainly focuses on

WADA's rigid approach to the principles of the anti-doping policy, its convoluted internal decision-making processes, its failure to give athletes a strong voice in these processes, and its overall unresponsiveness to criticism (Dimeo and Møller 2018; Waddington and Møller 2019). Here the relative youthfulness of WADA as an institution seems to be avenging itself. More than institutions that for many decades and sometimes even centuries have managed to acquire a rock-solid position, WADA often appears uncertain in debates about its functioning.

WADA's quest for autonomy and impartiality is a common thread throughout its history. The hybrid nature of the organization puts WADA by definition under influence and supervision of the sporting authorities and public authorities. This can, of course, easily lead to conflicts of interests. Chappelet and Van Luijk explain that '[a]mong the Code signatories there are definitely different cultures, attitudes and approaches to issues such as nationalism and patriotism on the one side, and corruption, fraud, nepotism, cronyism and bribery on the other, which directly impact on WADA's work targeting cheating in sport' (Chappelet and Van Luijk 2018: 181). WADA must navigate smartly, cautiously and independently through the geopolitical and sector-specific interests of sports organizations and national governments to avoid improper influences that would undermine the impartial and unbiased nature of judgements and decisions.

WADA's pursuit of autonomy and independence is accompanied by calls for more funding and governance reforms (Chappelet and Van Luijk 2018; Landrove and Hendriks 2017). Whereas the WADA budget increased annually by 3.5% from USD 20 million in 2004 to USD 32 million in 2018, the Board agreed to an annual growth of 8% for the period 2018–2022. Moreover, the Board implemented various reforms of its widely discussed governance model. This included the appointment of an independent committee to identify and vet members of the inaugural Nominations Committee, the establishment of an Ethics Panel that provides independent expert ethical opinion of urgent or contentious issues, and the establishment of an external, independent Compliance Review Committee to monitor Anti-Doping Organizations' compliance with the WADC.

This renewal can be seen as an attempt to restore the damaged trust in WADA's leading role in the fight against doping, resulting from the biggest crisis it has faced in its existence: the Russian doping scandal. This doping scandal came to light in 2014 and threatened to throw WADA

into an institutional crisis for a long time. The next session will discuss the depth and impact of that crisis.

AN INSTITUTIONAL CRISIS

More than ten years after its establishment, Houlihan (2014: 274–275) concluded that WADA had been extremely successful. He also cautioned that ‘there is substantial evidence of a shallow level of commitment from a number of important governments and international sports federations’ with compliance as ‘the central problem facing WADA’. The ink of this publication had not yet dried when a Russian doping scandal highlighted the scale of the compliance problem that WADA faced.

The crisis started in 2014, when the German public TV channel ARD broadcasted an alarming documentary about Russian doping practices on the basis of anonymous tips, secret recordings and whistleblower’s testimonies. The crisis deepened in May 2016 when the former head of the Moscow anti-doping laboratory, Grigory Rodchenkov, disclosed doping practices during the Sochi 2014 Olympic Games. Investigations initiated by WADA in response to these testimonies confirmed and substantiated the image outlined in the media (McLaren 2016a, b; Pound et al. 2015, 2016).

The investigations were chaired by former WADA-president Richard Pound. His commission confirmed that Russian athletes were using doping on a large scale, that trainers were systematically integrating doping into their training and competition schedules, and that Russian authorities had developed a failsafe strategy to avoid punishment even when discovered. The Russian secret service developed a technique to exchange sealed urine samples for clean ones, allowing positive analytical findings to be turned into negative outcomes. During the 2014 Sochi Winter Olympics, the Russian authorities went one step further: to escape the eyes of many foreign anti-doping experts, the secret service exchanged the urine samples through a hole in the wall of one of the rooms of the testing laboratory.

A trail of corruption, forgery, blackmail and threats came to light: top officials from the Russian and international athletics federations demanded large sums of money from Russian athletes to cover up positive tests and delay sanctions against these athletes; Russian sports associations offered money to Doping Control Officers to turn positive tests into negative ones; and the whistleblowers who brought this to light felt

forced to move abroad for fear of reprisals, continuing their lives under different names and in changing places.

The most problematic part of this affair for WADA was not so much the large-scale use of doping among Russian athletes. More fundamental was that there was a coordinated policy behind this from the Russian Ministry of Sport, the Russian Federal Security Service, the Russian Olympic Committee, the Russian national sport federations, the national anti-doping agency RUSADA and the WADA accredited Moscow and Sochi Laboratories. Moreover, the top of an ISF, the International Association of Athletics Federations (IAAF), also appeared to be involved in masking and corruption. It became clear that large-scale corruption could exist within the carefully designed global anti-doping system full of checks and balances. It took several whistleblowers to expose this scheme. It was never picked up by WADA's own policing efforts.

WADA's initial response deepened the crisis. Whistleblowers who passed on information about the abuse in Russia before the affair came out, were referred too easily to RUSADA, which later turned out to be corrupt (Harris 2016). Moreover, WADA did initially not succeed in bringing international sports organizations in line regarding the sanctioning of Russia. Despite a broad call to take action, the IOC decided to admit individual Russian athletes under a neutral flag to Rio 2016 and Pyeongchang 2018. The unanimous decision by WADA in September 2018 to declare RUSADA compliant again was also heavily criticized. This allowed Russia to fully participate in the international sports competitions again. Critics charged that WADA had succumbed to Russia's power and pressure from the IOC. The American double Olympic hurdle champion and president of the United States Anti-Doping Agency, Edwin Moses, called the decision of WADA 'the U-turn of all U-turns (...)' which has sparked shock among sports fans and clean athletes worldwide' (Moses 2018).

The saga is not finished yet, as doping-related cases often linger for a long time. WADA's decision to reinstate RUSADA was subject to the strict condition that the authentic data and raw underlying analytical data from the former Moscow Laboratory would be handed over to WADA. Indeed, this condition contributed to the retrieving of raw data and samples. Some of this data appeared to have been manipulated and tampered with before it was retrieved by WADA. In response to this, WADA decided to ban Russia from major international sporting events for four years, on charges of tampering with doping-related reports. At

the moment of writing the appeal by Russia at the Court of Arbitration for Sport is still pending.

CHALLENGES TO INSTITUTIONAL RESILIENCE

The Russian doping crisis can be seen as a litmus test of the institutional status that WADA has built up since 1999. Previous doping affairs (the Lahti scandal in 2001, the BALCO scandal in 2002, Puerto in 2006, the Armstrong affair in 2012, to mention only the most dramatic ones) did not harm WADA's reputation and authority. On the contrary, the outcome contributed to its development into an institution. But that was only the case as long as the Agency joined forces with national governments and the sports movement and was not pressured by those who mitigated the seriousness of the issues or wanted to cover up.

Leadership was crucial in these cases. Lance Armstrong's fierce fight, backed by the International Cycling Union (UCI), against WADA and Richard Pound in 2008 is a case in point. In a letter to IOC President Jacques Rogge, Armstrong asked for the suspension of Pound as an IOC member, whereupon the IOC ethics committee recommended that Pound should exercise greater prudence in his public pronouncements. In response, Pound said he was accountable to WADA, not to the IOC. In the Russian doping affair, it was again Pound who took a firm and keen position vis-à-vis Russian sport federations and governmental authorities. Although he has long since abandoned his formal leadership position, he played a crucial role in the management of the Russian doping crisis. Pound acted openly in the press against decisions that were not in line with the serious facts that the independent investigation under his leadership had brought forward. He realized like no other that the action of WADA in this doping scandal is a crucial case for the credibility and future of WADA as an institution.

WADA has been fiercely criticized for how it has handled the Russian doping affair, but virtually none of the critics called for its abolition. On the contrary, they can be interpreted as pleas for a sense of reality, reform and even institutional strengthening of WADA: to increase its independence from the IOC and national governments; to raise its budget; to achieve (better) compliance with the WADC; to strengthen its investigations and intelligence gathering capacity; to better institutionalize the viewpoints of athletes; and to balance the ideal of a doping-free sport

with athletes' fundamental (human) rights concerning privacy, discrimination, fair trial and the like (Houlihan and Hanstad 2019; Landrove and Hendriks 2017; Read et al. 2019; Waddington and Møller 2019). The solution of these issues is mainly sought in and requested from WADA itself.

The bottom line is that its authority has not been called into question. The idea remains that without WADA there can be no credible anti-doping policy. And without anti-doping policy, in turn, credible sport competition cannot exist. WADA therefore stands for more than an agency. It stands for a core value that underlies the current world of sports and that is widely supported by sports organizations, governments and the public at large, despite many reservations and open criticisms about the functioning of the anti-doping system. WADA's mission mystique is fundamentally rooted in the societal value of doping-free sport. As long as the public shares the dominant belief that doping-free sport is both desirable and feasible, this mystique appears sustainable beyond criticism of WADA's *modus operandi*.

WADA'S EXPERIENCE IN PERSPECTIVE

With its central mission 'to lead a collaborative worldwide movement for doping-free sport', the public-private World Anti-Doping Agency was given a distinct identity upon inception. In the initial phase, it managed to gain prestige through quick wins. Within a decade, it was able to establish its reputation by developing and coordinating a globally harmonized anti-doping system to which almost all sports organizations and national governments committed themselves. This policy fulfilled a specific function for the international sports organizations and national governments that established, govern and fund WADA. It had to restore and maintain the credibility of the international sports competition for the general public and to legitimize their role in it.

WADA was able to grow into a broadly trusted and well-respected organization because it could present itself as a neutral, impartial and objective standard setter and referee agent in a morally challenging and risky organizational field. As long as doping-free sport continues to exist as a societal value, high-level sport competition is hardly or not imaginable without this organization. WADA's staff is aware of this mission and proud of the struggle it is conducting as members of a relatively small organization: against the use of doping by athletes, but certainly

also against powerful nations and international sports organizations who try to mitigate the seriousness of this issue or want to cover up.

Nonetheless, being a relatively young institution, its position is not undisputed yet, as the Russian doping affair has shown. In such cases, WADA must act vigorously and adopt an autonomous, impartial stance. This requires strong leadership, which was offered by its first chairman, Dick Pound. The Russian doping scandal made it painfully clear, however, that his personal leadership has not yet been transformed into institutional leadership as a collective endeavour.

WADA's hybrid structure is both its strength and a weakness. On one hand, important decisions do not come about without the consent of major international sport organizations and public authorities. Moreover, both public and private authorities keep each other in balance, making it easier for WADA to transcend the interests of individual sport organizations and national states. On the other hand, WADA ultimately cannot make decisions autonomously of its stakeholders. In response to the recent crisis, governments and sports organizations have agreed with WADA governance reforms that increase the organization's budget and further institutionalize the consultation of athletes (without giving the latter decision-making power). However, as an institution, WADA appears not yet powerful enough to act as a fully autonomous referee agent.

As with other 'wicked problems', such as poverty, drugs, crime or obesity, it is not to be expected that WADA will solve the doping problem. But it does contribute to the public credibility of the sport. That was also the reason for the sporting and public authorities to create WADA. Recurring, highly mediatised doping scandals put the romance of sports competitions under pressure, precisely at a time when commercial and public investments in international sports increased. WADA was an answer where an urgent need of sports organizations, companies, governments, media and the general public came together.

QUESTIONS FOR DISCUSSION

1. WADA is unique in that it is a hybrid organization that is funded and managed by both public and private authorities. What has this construction meant for its development as an institution?
2. In a relatively short time, WADA created a virtuous cycle of institutionalization (see the introduction chapter of this book). Can

you describe what that cycle and explain how it benefitted the institutionalization process?

3. How has WADA's authority and legitimacy enhanced its autonomy?
4. Defend or attack the following statement: WADA will neither disappear nor develop into a fully autonomous organization.
5. WADA experienced an institutional crisis. What caused this crisis and how did WADA survive it?

NOTES

1. After a cross-country skier from the host country failed an in-competition doping test on the opening day of the competition, substantial out-of-competition testing initiated by WADA was carried out on the whole of the Finnish team. As a result, a total of six cross-country skiers were sanctioned for violations of the doping regulations.
2. A new version was scheduled for 2021.
3. In some countries NADOs are funded jointly by national sporting and public authorities. Many NADOs, however, are funded entirely by their national government or part of the NOC, although they are supposed to be independent from them.

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