

# Russian doping scandal: 'When it mattered most, the IOC failed to lead'

Thirteen national anti-doping groups tell the Guardian how in 'its response to the Russian doping problem, the IOC failed to protect the rights of clean athletes'

Russia doping scandal: what we know so far

## National Anti-Doping Organisations

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**E**xposure of the Russian doping scandal presented the International Olympic Committee with a defining moment in the fight for integrity in international sport. Unfortunately, when it mattered most, the IOC failed to lead.

We represent 13 national anti-doping agencies (Nados). Every day, it is our job to inform and educate, investigate, and drug test elite athletes in our respective countries as part of a coordinated global effort to ensure a level competitive playing field for aspiring Olympic and Paralympic athletes.

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Earlier this month, two days after the findings on Russian doping were issued by independent investigator Richard McLaren, we wrote IOC president Thomas Bach with a simple and effective three-step plan for the IOC to protect the integrity of the Rio Olympic Games.

We asked the IOC to: (1) Suspend and exclude the Russian Olympic Committee from Rio; (2) As a consequence of that suspension, provisionally deny entry to all Russian athletes nominated by the ROC to participate in Rio; and (3) Mandate the existing joint World Anti-Doping Agency-IOC pre-Games testing taskforce to apply a uniform set of criteria to determine whether individual Russian athletes should be permitted to participate in the Rio Olympic Games under a neutral flag.

These simple steps are fully consistent with Wada's recommendations that followed the McLaren Report and could have been easily implemented by the IOC. It is noteworthy that the International Paralympic Committee has chosen to follow Wada's recommendation and has begun suspension proceedings to exclude the Russian Paralympic delegation from Rio.

Through its response to the Russian doping problem, which has been percolating for some time, the IOC failed to protect the rights of clean athletes. In so doing, the IOC departed from the tough stance on doping it has previously endorsed, including its prior commitment to "zero tolerance" for doping and to apply the "toughest sanctions available" for what the IOC described as an "unprecedented level of criminality."

Instead, the IOC issued a confusing patchwork of conflicting and insufficient instructions to international sport federations (IFs). The IOC's hasty and ill-considered directives are legally infirm and have already resulted in an uneven and incomplete response from IFs. By leaving to IFs the responsibility to exclude individual Russian athletes, the IOC ignored that most IFs do not have a ready legal framework for making these decisions.

In contrast, had the IOC used its authority under Article 59 of the Olympic Charter to suspend the ROC, a fairer and more transparent outcome would have resulted. The IOC could have handled the question of Russian athlete participation with a uniform set of guidelines that would have provided the advantages of clarity, consistency and transparency, while avoiding the legal quagmire into which the IOC has cast the 28 International Federations.

By throwing eligibility decisions to IFs without clear guidance and without requiring a minimum level of evidence to demonstrate that Russian athletes have been subject to an adequate advance testing programme, the IOC has violated the athletes' fundamental rights to participate in Games that meet the stringent requirements of the World Anti-Doping Code. The IOC's plan affords no guarantee that Russian athletes competing in Rio will have been sufficiently and regularly drug tested under a code-compliant testing programme. Because the benefits of doping can persist for months and even years after banned substances are no longer detectable, there can be no confidence that recent testing will prevent Russian athletes from reaping the ill-gotten rewards of a state-sponsored doping programme. Yet, the IOC's approach allows Russian athletes to compete based on no consistent standard - while some may have a clean recent test, others may come with no screening at all.

Finally, the IOC took another damaging step inexplicably excluding whistleblower Yuliya Stepanova from participation in the Rio Games. Inconsistent with legal precedent, this shortsighted decision to exclude Ms Stepanova will deter future whistleblowers and significantly undermine the global anti-doping movement.

Through its mishandling of this issue, the IOC has departed from the foundational principles of the World Anti-Doping Code to which the governments of the world and all stakeholders in the Olympic Movement have committed. The IOC rebuffed the recommendations offered by Wada,

and each of the 13 Nados signing the letter, and failed to exercise their authority to implement the three-step plan we offered to protect the rights of clean athletes competing in Rio.

The IOC has demonstrated through these actions that, as an organisation made up of national and international sport leaders, it lacks the independence required to keep commercial and political interests from influencing the tough decisions necessary to protect clean sport. A radical change is needed to ensure that such a failure never occurs again.

*The Op-ed has been written and endorsed by the heads of 13 National Anti-Doping Organisations around the world: Austria, Canada, Denmark, Finland, Germany, Japan, Netherlands, New Zealand, Norway, Poland, Sweden, Switzerland, US*

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