

## ANTI-DOPING FACED WITH THE DEMANDS OF THE WORLD AGENCY: AN ETHNOGRAPHY OF 'COMPLIANCE' IN ACTION

*A ANTIDOPAGEM EM FACE DAS DEMANDAS DA AGÊNCIA MUNDIAL: UMA ETNOGRAFIA DA 'CONFORMIDADE' EM AÇÃO* 

*EL ANTIDOPAJE FRENTE A LAS DEMANDAS DE LA AGENCIA MUNDIAL: UNA ETNOGRAFÍA DE LA 'CONFORMIDAD' EN ACCIÓN* 

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**Abstract:** 'Compliance' is an instrument used by the World Anti-Doping Agency (WADA) for national agencies to adhere to the requirements of the captor. Based on pragmatic sociology, we describe the actions of actors working on 'compliance' at the Brazilian Anti-Doping Agency (ABCD) in connection with the Rio 2016 Olympics and Paralympics, and the development of an 'anti-doping culture.' Using multi-sited ethnography, we describe the work of mediators that transform, translate, distort and modify their interests. As sources of controversies, we chose the creation and operation of Brazil's anti-doping agency ABCD; the approval of the Brazilian Anti-Doping Code; and the establishment and operation of the Anti-Doping Sports Justice in the country. ABCD's social work in achieving 'compliance' reflects a process of translation to stabilize this national anti-doping community led by a state agency and, therefore, in making a Public Policy.

**Keywords:** Doping in Sports. Sports. Public Policy. Sociology.

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## 1 INTRODUCTION

Doping and anti-doping issues have mobilized researchers from the Social and Human Sciences, as indicated by the existence of the research group at the University of Lausanne, Switzerland; the Sciences Sociales et Dopage group at the University Paris Nanterre, France; and the International Network of Doping Research, which gathers institutions from different countries, based at the University of Aarhus, Denmark. In Brazil, while there is no such institutional network, we found a group of researchers interested in different topics, such as Silva (2005), Vaz (2005), Pereira and Gleyse (2005), Devide and Votre (2005), Silveira and Rigo (2015).

Despite existing debates, this paper addresses the establishment of anti-doping agencies and policies in sport, with a focus on institutional governance actions. It follows the debate raised by Hanstad, Smith and Waddington (2008) about the establishment of the World Anti-Doping Agency (WADA<sup>1</sup>) and how the International Olympic Committee (IOC) sought to manage and take a stance in this process. Further looking into the establishment of this agency, Demeslay (2013) studied harmonization of distinct regulations and actors since the announcement of WADA's creation, to understand the passage from a previous initial state to the political desire to put an end to a range of different anti-doping practices carried out so far. Her work shows how this passage included the need to convene actors to harmonize standards, draft regulations, improve norms, deal with difficulties in their application, etc.

In another study, Demeslay (2016) advances on the theme of global governance and the harmonization of the anti-doping struggle guided by a code provided by a private foundation (WADA) that seeks to join forces with state frameworks. From her research, it is clear that the work to harmonize distinct structures cannot be reduced to notions such as unification, uniformity, standardization, coordination, etc., as these are complex social processes through which global governance is collectively practiced. She emphasizes that this work-figure of harmonization is mainly anchored in cases that are contentious or prone to generate dysfunctions over space and time.

The harmonization woven by the protagonists operates as a slider control (DEMESLAY, 2013, p. 487) that, in the passage from an initial state to the political desire to put an end to range of different practices, moves through/between two cursors. The first one oscillates between stability and reversibility, creating the possibility of reversing decisions and choices. This is identified as a way to repair situations seen as imperfect or things lost in context, as well as an opening for issues that may emerge. It allows time for actors to test harmonization devices before making them evolve or not. However, such reversibility makes room for actors to escape authority, dependence-based relationships, and rules. The second one oscillates between independence and restriction, based on the institutional idea of creating and fostering an anti-doping community composed of heterogeneous elements, in which protagonists tend to accept imposed procedures if they are able to maintain certain autonomy in their daily actions. This gives rise to concessions, particular modes of governance that tend to favor actors capable of building common targets and therefore fueling disparities.

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1 World Anti-Doping Agency (WADA)

In this context of anti-doping governance, inspired by the investigative exercise undertaken by Demeslay (2013, 2016) on harmonization as a work-figure to be understood, we took an interest in the domain of compliance under National Anti-Doping Organizations (NADOs<sup>2</sup>) regarding the elements provided in the World Anti-Doping Code (WADA, 2015). WADA, associated with the United Nations Educational, Scientific and Cultural Organization (UNESCO),<sup>3</sup> declares NADOs as “compliant” or “non-compliant.” Those latter cannot carry out anti-doping control actions (*antidopagem*)<sup>4</sup> or apply to organize large events.

Our interest, considering compliance as a native notion and object of study, emerges from two provocations. The first one is related to Houlihan's (2014) study on the implementation of the World Anti-Doping Code by countries and governments, with UNESCO's participation, considering the distinction between the dimensions of adherence, implementation and compliance. The author analyzes the tools used by WADA and UNESCO to assess compliance and concludes that such tools are better for assessing formal implementation but fail to establish compliance. In this same field of investigation, Zubizarreta and Demeslay (2020) analyzed power relations between WADA and NADOs, based on ethnographic studies conducted in eight countries. They showed that NADOs had little decision-making power within WADA and that decisions made by those national agencies were not always viewed positively, noting that compliance has become the main goal for some of them.

The second provocation is related to the creation of the Brazilian Anti-Doping Authority (ABCD) in 2011. That is a State agency (a NADO) that aims to ensure that the anti-doping system is widely applied in Brazil and that the results of sporting events in the country are legitimized, which is effective if the NADO/country is compliant. Prior to the creation of the ABCD, anti-doping practices were based on actions of private sports organizations, especially the Brazilian Olympic Committee (BOC) and National Sports Confederations. The commitments made by the country in 2009 to host the 2016 Olympic and Paralympic Games in Rio de Janeiro (Rio 2016) included the creation of a Brazilian NADO independent of sports associations. Thus, the ABCD was created as a National Secretariat under the then Ministry of Sports (BRASIL, 2011), funded with public resources. However, its actions should be independent and autonomous, as required from NADOs.

Therefore, while some of those studies pointed to the challenges of compliance in anti-doping governance and the ABCD was created as Brazil's NADO, we started to investigate actions developed between 2009 and 2017<sup>5</sup> to transform international anti-doping practices into country-based anti-doping arrangements – produced in their relation to international governance – which were heavily advertised as “fair game policies” and/or “development of an anti-doping culture”. To address this phenomenon of transformation (in the physics sense of translation) of international

2 National Anti-Doping Organizations (NADOs)

3 WADA is composed and financially supported by nation states – through UNESCO – and sports institutions – through the Olympic movement. Available at: <https://www.wada-ama.org/en/funding>

4 Native term for collecting athletes' urine and/or blood samples.

5 The definition of this period considered that the work of establishing compliance was especially open to research – as a controversy – between 2009, when Rio de Janeiro was announced as the Games' host city, to 2017, when changes occurred in the makeup of ABCD.

protocols/codes into national policies, we started to investigate how they circulated along a chain of interests, losing some properties and gaining others, to produce more stable arrangements that were recognized as compliant, albeit temporarily.

Thus, in line with Demeslay (2013, 2016), who takes harmonization as a work-figure, our goal was to describe actors focusing on establishing ABCD's compliance under the imperative of justification and capture activated by WADA, tracking heterogeneous associations that sought to transform WADA's global governance work – and, in Brazil, previous practices conducted by private sports organizations – into a national anti-doping policy from a State Department, with a view to hosting the 2016 Olympic Games and Paralympic Games and the development of an “anti-doping culture.” We focused on the period prior to the Games as it was marked by the possibility of the ABCD being declared non-compliant, and very strong pressure as a result of the events and their association with political tension because of the impeachment of the country's president.

Compliance is often seen as a requirement by an actor (WADA), a threat (the consequences of not complying are increasingly serious), a potential legal issue if disputes arise, but rarely analyzed as a complex social process marked by tensions subject to specific temporalities. It starts as signed commitments: NADOs and the sports movement with WADA, States with UNESCO, WADA with the Court of Arbitration for Sport, UNESCO with WADA, etc. When a country applies to host a major sporting event, other commitments are made. Contractualization is based on different temporalities: the promise, the event organization, actors to which the other leading actors are committed. In 2009, it was decided that Rio de Janeiro could host the Olympic Games if Brazil committed to establishing an independent NADO and abiding by the World Anti-Doping Code and, therefore, implementing a set of actions dictated by WADA. We propose to work with compliance “in action,” as Latour analyzes scientific activity at work. Concretely, we propose to describe what the actors do to implement, for a set period of time, the anti-doping devices according to their commitments. Following the compliance process requires considering the work of actors who do or do not keep their promises and, if necessary, pressuring for those promises to be kept, or even applying sanctions if they are not.

## 2 METHODOLOGY

The research was based on pragmatic sociology, operating with the notion of translation present in works by Latour (1994, 2000),<sup>6</sup> which means following that change and how it happened, involving heterogeneous actors – both human and non-human – that were enlisted or enlisted themselves according to their interests. Translating, for Latour (2000), also means offering new interpretations of the interests of the enlisted actors, channeling people in different directions, in a slow movement from one place to another. This implies a chain of symmetrical translations that may involve the needs of allying people with similarly oriented interests; dealing with very strong and powerful people and interests; joining other interests as a shortcut while dodging obstacles; rearranging initial interests and goals; and going through allies' positions to help them further their interests.

<sup>6</sup> To examine Latour's links with pragmatic sociology further, see Barthe *et al.* (2016).

The translation investigated involved the difficult task of enlisting, connecting and keeping together heterogeneous actors and their interests more or less aligned and stabilized in the face of a national anti-doping policy and a Brazilian agency in compliance. To do this, in line with the sociology of associations in Latour's work (2001, 2012), it was necessary to look at those actors who figured as crossing points or spokespersons, that is, those that, as mediators,<sup>7</sup> produced performances that are strongly engaged or activated in the enlistment, connection and maintenance of other actors and their interests, given the numerous needs that emerge. Therefore, in this research, our work starts from the performances of two Brazilian actors who played such mediator role: João Pedro Wurtz, who worked in the first administration of ABCD, and Ronaldo Deschamps, a Brazilian reference in anti-doping who had worked with the ABCD and a member of the organization of controls in the 2016 Olympic and Paralympic Games.<sup>8</sup>

Interested in these mediators' criticisms and judgments, we also decided to study trying collective moments over time, in search of Brazilian compliance. In the work of Latour (2012) and following an approach from sciences and techniques, this is done by focusing on controversies, especially on how they are opened or how they are closed, since, in the latter case, they are like a black box, and therefore the actions are barely visible. For the author, controversies produce traceable empirical data about translation movements, that is, it is precisely through them that we can map and describe the work of mediators (spokespersons, actants), transforming, translating, distorting and modifying interests in different situations.

To analyze power relations between ABCD and WADA, we will also use the concept of "capture" (*emprise*) developed by Chateauraynaud (2006, 2017), which presents the figure of the "captor," who is responsible for creating asymmetries in adherences (*prises*) in the relationships with the actors. These asymmetries, which are difficult to locate and describe, make it possible to retain actors over time while keeping the captor away from criticism.

Production of data on the controversies and the actors considered as crossing points occurred through multi-sited ethnography, a type of investigation that, according to Marcus (2001), emerges from the difficulty or impossibility of checking the contours of a group, associated with the impossibility of distinguishing global from local, and the need for other forms of immersions and experience when the production of the objects under investigation crosses many sites, therefore being mobile and existing through flows.

Based on these references, the first author of this text developed negotiations and immersions in the world of sport anti-doping (VASQUES, 2018), mainly by training to be and working as a doping control agent whose experiences were recorded in field diaries. Note that, from an ethnographic perspective, this immersion was carried out together with and in relation to the construction of the research. The researcher had no previous experience with anti-doping. He had to gain familiarity with what is

7 It is the actants that induce others to do things (that "make them do it"); they are the spokespersons. According to Latour (2012, p. 65), they "[...] cannot be counted as just one; they can be worth one, none, several or an infinity. What goes in them never defines exactly what comes out; their specificity needs to be taken into account at all times. Mediators transform, translate, distort and modify the meaning or elements they supposedly convey."

8 The names of the main interlocutors were replaced.

foreign to him, in addition to learning how to situate himself, how to look, write and live with his interlocutors in the universe under investigation. This was initially based on formal documents (presentation letters and terms of free and informed consent) but maintained and consolidated daily through explanations and renegotiations about the researcher's presence, permanence and participation.

Formal semi-structured interviews were also conducted with 16 anti-doping actors, including the two aforementioned mediators. This group of interlocutors included Rio 2016 national secretaries and anti-doping coordinators, ABCD employees, anti-doping laboratory members, in addition to other workers – all considered anti-doping mediators who agreed to participate in the research. The interviews were conducted in person in different cities – Brasília, Florianópolis, Lisbon, Porto Alegre, Rio de Janeiro and São Paulo – according to interviewees' availability.

Furthermore, the investigation included documents such as national and international laws, standards, codes and protocols on anti-doping published by ABCD and WADA in 2009-2017 – all selected for their relevance and contribution in describing actors' actions and associations, despite the demands of this research about the translational movement. The documents used included: the world code (WADA, 2015); and the Brazilian code (BRAZIL, 2016c); a WADA report (2016) on the 2016 Games; the Report of Independent Observers; in addition to two executive orders and a national law that enabled the creation and change in the makeup of the ABCD (BRASIL, 2011; 2016a; 2016b). These documents were sources of information that, combined with interviews and empirical observations, helped to describe actors' actions.

In producing the empiric material through participant observations, semi-structured interviews, and document selection, the research followed integrity in scientific research parameters as well as ethical investigation procedures. The study was previously approved by the Ethics Committee of [University name suppressed to ensure blind assessment] according to report [report number suppressed to ensure blind assessment].

In terms of results of this empirical research, considering the theoretical-conceptual perspective pointed out, we present compliance work as a performance immersed in an imperative of justification and capture activated to produce adherences, which pervades important trying moments described here as narratives of heterogeneous associations in a range of controversies in which the mediators we followed became involved. This means that the compliance presented below as a theoretical-academic concept does not have a categorical purpose of closing or circumscribing an issue; on the contrary, it seeks to highlight assemblages over time and space, based on a narrative that describes what actors do and induce others to (cease) doing things at crossroads they produce/find, in a specific movement of translation.

### **3 COMPLIANCE WORK**

To support compliance work, the following text describes the actions and associations of the actors, highlighting two spokespersons at two trying moments:

the first moment is related to the interests of WADA and the IOC, which face two groups working on anti-doping in Brazil, which resulted in the first section (interests gathered but not together for the Rio 2016 Games); the second moment highlights the coexistence and performance of these two anti-doping groups, showing WADA's flexibility towards maintaining compliance, which resulted in the second section (interests that are essential – but not so much – for the Rio 2016 Games).

### 3.1 THE CREATION AND FUNCTIONING OF THE ABCD: INTERESTS GATHERED BUT NOT TOGETHER FOR THE RIO 2016 GAMES

Relations between WADA and the Brazilian State were intensified in 2009, when Rio de Janeiro was announced as the host city for the 2016 Olympic Games. The following section seeks to show the ways in which these associations occurred, and how the ABCD finally distanced itself and was distanced from the 2016 Games with the emergence of another actor: the Rio 2016 Local Organizing Committee (LOC), a company that received state funding and financing facilities to organize the Games. We are interested in highlighting how WADA positioned itself towards Brazilian institutions, especially the ABCD, favoring a relationship based on pressure, control, and enforcement.

Such power relationship between actors can be read under the notion of capture (CHATEAURAYNAUD, 2017). Based on such social analysis, it is possible to observe WADA's relationship with ABCD as a capture relationship in which adherence to compliance would help in creating asymmetry between actors, especially when it is constructed as an imperative of justification activated by the capturer. The following scenes show how the power relationship between these institutional actors was also built on activation of compliance.

The world agency's first contact with the Brazilian State, specifically with João Pedro Wurtz – then head of the National Secretariat of High-Performance Sports of the Ministry of Sports – took place in September 2009, days before Rio de Janeiro was chosen to host the Games. This public official was interviewed during the course of this research<sup>9</sup> and, according to him, WADA visited the four cities bidding to host the games (Rio de Janeiro, Chicago, Madrid, and Tokyo), in order to review responsibilities with the respective governments. According to Wurtz, Brazil made two promises:

[...] having a NADO and having a WADA-accredited laboratory in the host city. These were the countries' responsibilities and, in the case of Brazil, the government was 100% in charge. It was the only thing for which the government took 100% responsibility [...] in the whole Games. (Interview with João Pedro Wurtz).

Having a national agency in the host country was important because WADA considered that having an independent agency was essential to train professionals qualified to work with anti-doping at the Games (especially as Doping Control Officers – DCO) and would also enable the creation of an anti-doping culture in the host country. Therefore, ABCD was born out of WADA's demand and is mainly organized by Wurtz, a member of the Ministry of Sports, who appointed the agency's members based on his network of relations. These actors were inexperienced in anti-doping

<sup>9</sup> Interview conducted in Brasília on August 11, 2017; Length: 4 hrs. 51 min.

and, therefore, far from the anti-doping practices previously carried out in the country by private companies and sports federations.

However, the responsibility for organizing and planning anti-doping controls at the Olympics was not ascribed to national anti-doping organizations, but rather to a commission formed within the LOC. This Commission was led by people historically linked to Brazilian private sports institutions rather than to the ABCD. For example, Carlos Arthur Nuzman, who was the president of the Brazilian Olympic Committee (BOC) from 1995 to 2017, was also the president of Brazil's LOC. Therefore, it was the LOC's choice that the people invited to be members of the Rio 2016 Anti-Doping Commission were those who used to carry out anti-doping controls before the creation of the Brazilian agency (2009) and who did not have close relationships with actors who worked for the Brazilian NADO.

This Anti-Doping Commission had initially included three experienced doping control officials, who eventually abandoned it in the year before the games. Also interviewed in the course of this investigation,<sup>10</sup> Deschamps reported that, at that time, Nuzman and his aids invited him to be a member of that Commission. He had worked in national anti-doping institutions prior to the ABCD, specifically the National Anti-Doping Agency (ANAD) and the Brazilian Anti-Doping Agency (ABA),<sup>11</sup> and was not close to the current Brazilian NADO, the ABCD. Deschamps said he felt an "obligation to take on" this task for having worked closely with these people for many years. He was effectively close to the BOC and sports institutions during his career in anti-doping. He, in turn, invited experienced people work in the Commission who were close to his group and distant from the ABCD.

In the last year prior to the Games, monthly meetings were held to address anti-doping controls. According to interlocutors, representatives of WADA, IOC, LOC (Rio 2016) and the ABCD attended those meetings. One of the main conflicts between the ABCD and the LOC revolved around employing control officials trained by the Brazilian authority or not. The LOC accepted some new DCOs trained by the ABCD, but the ABCD wanted most of them to be employed.<sup>12</sup> During fieldwork, it was possible to observe DCOs' conversations, debates, complaints and questions about the invitations having been made mainly to those trained before the ABCD – a controversy that showed actors belonging to two groups: LOC/BOC and ABCD. The Rio 2016 LOC group was interested in showing that it had the ability, authority and legitimacy to lead anti-doping in Brazil. Thus, they argued that the national agency need not have trained so many DCOs. WADA intervened and requested that the LOC use officers trained by the ABCD. In this regard, Deschamps said that virtually all ABCD's DCOs worked at the Games, and that only those with no experience were left out. However, according to interlocutors who were members of the ABCD at the time, most DCOs had not been invited to work, which was confirmed by LOC leaders.

This controversy over DCOs enabled us to look at the interests of groups that joined around the coordination of anti-doping controls in Brazil, a place represented

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<sup>10</sup> Interview conducted in Porto Alegre on July 27, 2017; length: 1 hr. 24 min.

<sup>11</sup> Institutions prior to the ABCD and linked to the COB and, therefore to sports federations.

<sup>12</sup> Approximately 150 DCOs worked at the Rio Olympics and 70 at the Paralympics. Some of them came from other countries, but most were Brazilians.

– in addition to the Rio 2016 Anti-Doping Commission – by the ABCD command. When interviewed during field research, Deschamps said he was not interested in coordinating the ABCD. But the actors he had worked with prior to ABCD were, as some of them took over the agency in 2016 after the impeachment<sup>13</sup> of Workers' Party (PT) President Dilma Rousseff and the change in government, with Michel Temer of the Brazilian Democratic Movement Party (PMDB) taking office as President. The modes of association here are characterized by previous joint work.

With this description, we want to highlight that the ABCD was established in the country without including the people who had been working with it for decades. Therefore, we could see that this clash over DCOs took place in an environment already marked by conflict between the groups and their interests. According to Wurtz, former anti-doping leaders such as Deschamps were not invited to join the agency on the recommendation of WADA, whose representatives have repeatedly said that before the ABCD was created, anti-doping in Brazil used to be “no man's land” – that is, that controls did not comply with the World Code. Wurtz, by enlisting his allies (WADA and the Brazilian government), managed to remain as head of the ABCD (where he remained for more than five years), maintaining control over Brazilian anti-doping and driving Deschamps away from the agency.

In turn, Deschamps stated that the IOC, responsible for the Games, did not want the ABCD to be part of the organization, which was confirmed by Wurtz. Thus, the national agency would not be in charge of organizing anti-doping at the Olympics, which ended up being done by Rio 2016 LOC's Anti-Doping Commission. Therefore, in this period of preparation for the Games, there were two anti-doping groups in Brazil; however, except for that period, Wurtz's group held legitimacy and legality – through WADA and with the support of the Ministry of Sports – to be the only anti-doping authority in the country.

Therefore, the four institutions present at the preparatory meetings for the Olympic Games (WADA, COI, Rio 2016 LOC, ABCD) had connections, but also differences. While IOC and Rio 2016 focused specifically on the Games, the event was just one among others for WADA and ABCD, which are anti-doping institutions. The IOC, on the other hand, is a sports institution while the Rio 2016 LOC was a temporary institution with a wide range of actions regarding the structure and organization of international events.

Oscillating between institutions' independence and the restrictions involved in the struggle to coordinate the processes – despite the Olympic and Paralympic Games – the ABCD was the greatest national authority but ended up playing only a supporting role (especially in providing DCOs) in view of the demands of WADA, which was in charge of observing and assessing anti-doping controls. As observed during the Games, it was the Rio 2016 LOC Anti-Doping Commission, of which Deschamps was a member, that took the lead in planning, coordinating and executing controls, mainly in view of the interests of the BOC and the IOC. While the LOC's interests

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13 The process of impeachment of Dilma Rousseff (PT) started in December 2015 at the Chamber of Deputies. On May 12, 2016, the Federal Senate approved the opening of the process, which caused her to be removed from office and Vice President Michel Temer (PMDB) to take over. The final impeachment was approved on August 31, 2016.

focused on this leadership, ABCD's interests were related to compliance and the legitimacy of its actions in the country. The notion of an anti-doping community had no resonance as the clashes between each group's interests – gathered but not together – prevailed since the protagonists were inclined to participate if they could keep some autonomy.

It is not by chance that the report issued by WADA's Independent Observers (2016)<sup>14</sup> made detailed criticism about “anti-doping control” in the 2016 Olympic Games. Foreign media, more attentive to the universe of doping in sport and used to discussing this topic, echoed these criticisms. British newspaper Telegraph called it the worst control in Olympic Games history.<sup>15</sup> Arguments reinforcing the anti-doping criticism about the Games included: lack of hotels for DCOs; inexistence of previous training for DCOs as has been done in other Olympic Games; lack of funds to build structures due to the political and financial crisis and “Operation Car Wash,” which prevented accused companies from carrying out construction works; in addition to power and transport issues for the DCOs; as well as lack of escorts.<sup>16</sup>

Some of these criticisms shown in the observers' report and disseminated by the media could be seen in our participation in fieldwork during the event and were also reported in informal conversations during the Games. A DCO who served at the Olympics reported in an informal conversation that several DCOs had to change hotels a few times during the Games. At the Paralympic Games, it was possible to observe that several DCOs arrived in the city and started working without previous training. The lack of escorts was also noticed in field research (participant observation); these volunteer workers were often scarce and the DCO itself had to take on that task.

Deschamps defended himself by claiming that the issues were structural and that there were no problem with the controls, thus arguing that “outside,” “structural,” “externalistic” explanations did not affect the tests. According to him, DCOs performed excellent control “almost without conditions.” One point highlighted by that leader is that, regarding anti-doping, they were going through a “time of general mistrust” as a result of the recent discoveries of state-backed doping in Russia, which would have hindered some of his team's actions.

Above all, such controversies over DCOs allowed us to understand that, in the years before the Rio de Janeiro Olympic Games, considering the above, the work to establish compliance with the WADA focused more incisively on the functioning of the ABCD than on the Rio 2016 LOC. Thus, it can be understood that WADA's actions towards the ABCD were also a way of distancing the actions of anti-doping institutions (WADA and NADOs) from the institutions of the sports universe (IOC/ BOC/ LOC system). Two other examples of WADA requirements to the ABCD for maintaining compliance are presented below.

14 WADA's independent observers monitor anti-doping controls at major sporting events, as an independent consultancy that assesses them to improve practices.

15 RUMSBY, Bem. **Rio 2016 Olympics:** Anti-doping branded 'worst' in Games history. Available at: <https://www.telegraph.co.uk/olympics/2016/08/17/rio-2016-olympics-anti-doping-branded-worst-in-games-history/>. Accessed on July 15, 2018.

16 Responsible for assisting DCOs in notifying athletes to undergo control.

### 3.2 ESSENTIAL – BUT NOT SO MUCH – INTERESTS IN THE RIO 2016 OLYMPICS

In this translation process marked by the gathering of interests and the attempt to deviate or keep away the interests of anti-doping agents and institutions, as described above, two important devices were also created in the fight against sports doping in Brazil: the Brazilian Anti-Doping Code and the Anti-Doping Sports Court, including a dedicated Court and Prosecution Service. These were WADA requirements for compliance by the ABCD, which, in the Brazilian case, had the Olympics in its immediate horizon. However, only one of them was established in time for the 2016 Games.

Compliance depended on the existence of a National Code in place to ensure the effectiveness of the WADA World Anti-Doping Code, as ratified in the International Convention Against Doping in Sport (UNESCO, 2005). Most of the articles of the International Code were included in the Brazilian version, but some were modified because they did not fit local legislation, and there were concessions or permissibility in face of local governance dynamics. The main example was the suppression of people's ban from sports, which is provided for in the international code but was replaced by a maximum 30-year suspension in the Brazilian document. Wurtz explained this adjustment as follows:

Then [WADA actors] said, 'But you wrote 30 years here, it's a ban' [which is in the World Code]. [I said:] 'No, Brazil's Constitution doesn't provide for a ban.' [WADA:] 'No, but it's like that all over the world.' [me:] 'No, no, no... I'm even changing that in CBF's ethics committee, which included a ban.' I reminded the president [of CBF]: 'There is no ban in Brazil. The maximum penalty in Brazil is 30 years.' Of course, you can say: 'It's the International Code, I'll include it'. Any inexperienced lawyer will take it down in court. I won't even get into the merits. It's not even my opinion, although I don't think there should be a ban. (Interview with João Pedro Wurtz)

The Brazilian Code was approved in May 2016 (BRASIL, 2016a) and signed into law by President Dilma Rousseff on the eve of the trial of her suspension from office by the Senate. Since the President was about to step down and a change in government would likely follow, which would cause ABCD actors to be replaced (which in fact happened), Wurtz worked in the last moments of the government to approve the Brazilian Anti-Doping Code. In an interview, he reported how he had mobilized a number of allies so that the ABCD would not be declared non-compliant, showing how the Brazilian agency mobilized and acted to adhere to WADA's requirements at that trying moment.

Anyway, we finished everything to send it to the president at the last moment. Six agencies in the world were 'hanging': Brazil, Spain, France, Belgium and Mexico. At the last moment, on Friday, March 18 [2016], at 6 pm: whoever hadn't done it was non-compliant. I said, 'It won't happen to us'. [...] Then we finished it on Wednesday by 10 pm. That Wednesday, that story about President Rousseff's appointment of former President Lula as Minister leaked. The Palace was surrounded, an invasion was attempted. The President was taken to the Alvorada [Palace] at 4 pm. That night, I left [the Ministry] of the Civil House at 10 pm. And someone took the Executive Order to Alvorada, which she had to sign to be published the next day. My Ordinance had already been sent to the Official Gazette [DOU]. [...]

I was going home and the guy from the DOU calls me. [he said:] ‘We have a problem. Your Ordinance is too long, it’s 90 pages long. It can be complicated for the extra edition.’ [...] The DOU for the presidency closes at midnight. I thought: it won’t happen. It was 10 pm. Most likely, if she signs it, it’s going to be on the extra [edition]. The problem is that the extra edition with 80 pages is more complicated. ‘So, [he said] we can publish it on Friday’. ‘Too much risk’: I got the most difficult thing, which was for the President to sign the Executive Order in the context of the crisis and my Ordinance, signed by me. If something goes wrong, it won’t be out, and then we fall [are declared as non-compliant] because of that... No one will ever understand. Then the guy said: ‘I’ll include your Ordinance today and it’ll be on the DOU tomorrow. And when the President’s Executive Order comes out, the extra edition comes out.’; [me:] Man, they’ll think I’m crazy because of this Ordinance on the DOU without the Executive Order. They’ll say: you’re crazy’. The guy said it’s better. I said, ‘Publish it!’ And he did. The President signed the ordinance in the middle of the night. Someone sent her signature on my Executive Order 718 on WhatsApp. [...] In the afternoon, it came out and I sent this message to everyone. A lot of compliments, **even from Nuzman**. Three of the six [countries] fell. WADA put six NADOs’ heads on the guillotine; I’m going to have some coffee and I’ll come back on the 18<sup>th</sup>, at 6 pm. Whoever kept their heads on, they would drop the guillotine. At that time, she signed it; she didn’t lose focus. (Interview with João Pedro Wurtz, emphasis added)

The surprised statement – “even by Nuzman” – is not unfounded as we were able to explain earlier about the translation of interests (distances and differences between groups of allies), especially when associated with Wurtz’s account of WADA’s pressure about the Code, which, in his words, was “with its head on the guillotine”. Despite their autonomy and independence, in the work to achieve compliance with the Brazilian NADO and making the WADA/ABCD system active and recognized during the Olympic and Paralympic Games that would take place in that same year, there seemed to be two essential interests around which an anti-doping community would gather: Brazil’s Anti-Doping Code and Justice System.

However, even though the existence and operation of a national Anti-Doping Justice were also require for compliance, the latter element of the struggle that brought together a community of heterogeneous anti-doping actors was not ready for the 2016 Olympic Games, despite WADA’s pressure reported by Wurtz. The strength of the pressure by WADA’s interests as “an actor that makes [others] do it” – a mediator – was connected to the Games. However, while elements of international governance had to be imposed, certain autonomy of national actors and institutions should be maintained, revealing, in addition, an essential interest even more poignant than WADA’s own agenda: holding the Olympic Games. A scenario in which the Games would be cancelled in March 2016 was hardly plausible, so we can consider that the calendar had created some form of irreversibility. Thus, if this balance of forces were established (impossibility of canceling the Games), WADA would find itself in a weak position.

For this reason, it was only after the Games that WADA ended up declaring ABCD’s non-compliance because the Anti-Doping Sports Court had not been created, banning its operation for six months (from November 2016 to April 2017). Just as the creation and operation of the ABCD was a slow process – it took about five years – the establishment of the dedicated anti-doping court was not quick either. The federal

government was having a difficult time and the Court became effective almost a year after the Brazilian President was overthrown and the Vice President was sworn into office.

The ABCD leader described the difficulties posed by that view, a conflicting moment that revealed the actors who worked for it. Wurtz commented that he had invited “the judges who served in Brazilian sports courts” to a meeting. According to him, at first, the sport’s judges did not want the creation of that court, and even doubted that the WADA had demanded it. According to the ABCD leader – who was still “compliant” at that time, in March 2016 – he sought to approach these judges, whose concern was that an anti-doping court would reduce the cases in sports courts, narrowing the scope of their actions and their importance in Sports Justice. Thus, the association of the Brazilian agency with the judges who worked in sports courts became crucial.

At the time, doping cases used to be tried by the Superior Court of Sports Justice (STJD), but the world agency saw the need for a dedicated court, which would be important for the independence and autonomy of the procedures. In addition, another argument presented was that anti-doping legislation is broad and complex; therefore, actors in the court should increase their expertise on the subject in order to try cases more correctly. Nevertheless, WADA could appeal to modify decision if they do not comply with the World Code.

The second administration of the national agency, formed by Deschamps’s allies after the President’s impeachment when they learned that ABCD would be declared non-compliant in October 2016, mobilized a number of actors – ABCD members, the Minister of Sport, the Brazilian Ambassador, and Ronaldo Deschamps – who went to WADA’s headquarters in Canada to convince them to keep ABCD’ compliant status. This action, reported by an ABCD officer, did not have the intended result, thus causing the second administration to defend itself from criticism using the strategy of blaming the first administration for not having met WADA’s deadlines for the Court. This argument was used because they considered that the criticism would be justified by the short time in which they were in control of ABCD – about five months.

The law that created the dedicated court to hear doping charges in sports was signed on July 28, 2016 (BRASIL, 2016b), but the Court only became effective in 2017, with the publication of its rules on the Official Gazette. The procedures started after negotiations between the ABCD and members of the existing Sports Court, the National Sports Council, the Council of Athletes and Sports Confederations. The Court changed practices for doping trials, which had been previously heard by the STJD, and actors from the Rio 2016 anti-doping group occupied at least one of its nine seats, thus moving closer to the ABCD, which used to be controlled by actors close to the former. These alliances and approximations of Brazil’s anti-doping system with the practices demanded by WADA brought the ABCD back into compliance with the World Code.

Descriptions like the ones presented above show that, in the case of local governance, the constitution of an anti-doping community intertwined with the international governance agenda seems to have achieved greater stability when

the Olympic Games became a major essential interest for the heterogeneous actors involved. While the ABCD – “with its head in the guillotine” – worked to meet WADA’s demands and remain compliant, it also made concessions regarding its interests as in the case of maintaining compliance during the Games, even in the absence of a functioning national Anti-Doping Court. After the Games, the concession was canceled and the ABCD was declared non-compliant, which reinforces the role of the international competition as a strong domain for interests in national and international governance and for stabilizing the anti-doping community.

#### 4 FINAL CONSIDERATIONS

Compliance is an instrument used by the world agency to enforce adherence by captured actors – national agencies – to the requirements of the “captor” (CHATEAURAYNAUD, 2017) – WADA – which activates the compliance requirement as an imperative of justification in the power relationship and the creation of asymmetries between institutions. However, compliance is not just a technical activity to align or adapt norms, standards, processes and rules to meet exogenous criteria of international governance.

In the case of this study, the work of achieving ABCD’s compliance reflects a process of translation towards stabilization – it works as a black box for actors who are not familiar with Brazilian politics (such as WADA) – of this national community led by a State agency (ABCD) and, therefore, in the fabric of a State policy, after all it is a National Secretariat with action programs and projects that materialize in the relationship with a Code and a Court existing and acting through Laws and Executive Orders. However, it is not so obvious that the ABCD represents the State. Precisely, everything is done so that NADOs are independent of States (this demand has increased after the Russian case). Like many NADOs, the ABCD must follow WADA requirements, but it is limited by the local situation.

In order for ABCD’s leading role to be believable over time and space, it is crucial to work to stabilize the associations (allies and their interests). Based on what we could learn from the descriptions in the previous section of this study, such social compliance work involved:

1. The work of gathering (rather than bringing together) the interests of heterogeneous actors without previously defining which of them can develop anti-doping controls. While the ABCD (allies closer to WADA) was created in time to lead controls at the Rio 2016 Games, it was the Rio 2016 LOC Anti-Doping Commission that took over (former national anti-doping allies more closely linked to the IOC/BOC), placing the ABCD in a supporting role. Therefore, the calendar was decisive, which invites us to bring the analysis closer to a sociology of promise (TRABAL; COLLINET; TERRAL, 2017). So this is a defeat for WADA. In the end, Brazil is one of the only countries that deterred WADA, and the penalty was the declaration of non-compliance in October. In this sense, WADA wants to act as a “captor,” but that did not work in this case. We can say that the “captor” was “caught in its own trap.”

2. The work to impose common essential interests in the stabilization of an anti-doping community was linked to the Rio 2016 Games, but not in a single direction (the principle of symmetry). While WADA's pressure to create and implement a national Code and a Court was felt more by the proximity of the Games, the international agency itself had to make concessions in the absence of an operational Court.

This reflection raises interest in understanding what WADA has learned from the Brazilian case. Is this why WADA is no longer satisfied with promises, and asks for guarantees? In this sense, a survey of WADA employees, which did not happen in this study, would be interesting. Furthermore, other limitations of the research should be mentioned, especially those related to the researcher's access to the field. This researcher was a newcomer to the anti-doping world and, as a result, did not gain access to all anti-doping practices and social groups. Furthermore, doping is a sensitive topic that actors are sometimes not comfortable talking about.

It was temporality, more precisely irreversibility, that caused WADA to give in, since cancelling the Olympics a few months before the date was not feasible. So, the ABCD was not punished before the Games and the sports movement also won because time was on their side. Thus, we can conclude that compliance is a constant social work that dialogues, over time and space, with actions of stability and reversibility of a national community fighting against doping in sports. In the case of Brazil, the community included heterogeneous actors, shown as a collective for the IOC and WADA to carry out the Games.

Ultimately, heterogeneity and conflicts between actors, and political tensions that marked this episode are both strengths and weaknesses. They are strengths because WADA was forced to understand that, in addition to the promises and the presentation of an anti-doping community, local contingencies could arise. Thanks to the irreversibility of the Games, Brazilian actors were able to impose their concept for combating doping against a global system. But they are also weaknesses as independent fight against doping has been postponed. Those who consider this a victory must admit that it was short-lived. We wonder what traces this might leave. Confidence in Brazilian promises could be undermined. But, at the same time, the issue of doping in the 2016 Olympics was marked above all by another action that allowed for a diversion: the participation of Russian athletes in that competition.

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**Resumo:** A “conformidade” é um instrumento utilizado pela Agência Mundial Antidopagem (WADA) para a aderência das agências nacionais às exigências do captador. No presente artigo, descrevemos, com base na sociologia pragmática, as ações de atores no trabalho de constituição da “conformidade” da Autoridade Brasileira de Controle de Dopagem (ABCD), tendo em vista a realização dos Jogos Olímpicos e Paralímpicos Rio 2016 e o desenvolvimento de uma “cultura antidopagem”. A partir de uma etnografia multissituada, procuramos descrever os trabalhos dos mediadores, transformando, traduzindo, distorcendo e modificando os seus interesses. Elegemos como fontes de controvérsias a criação e funcionamento da ABCD; a aprovação do Código Brasileiro Antidopagem; e a constituição e funcionamento do Justiça Desportiva Antidopagem. O trabalho social de conquista da “conformidade” da ABCD reflete um processo de translação para a estabilização dessa comunidade nacional antidopagem protagonizada por uma agência de Estado e, portanto, na composição de uma política pública.

**Palavras chave:** Doping nos Esportes. Esportes. Política Pública. Sociologia.

**Resumen:** La ‘conformidad’ es un instrumento utilizado por la Agencia Mundial Antidopaje (WADA) para que las agencias nacionales se adhieran a las exigencias del captor. En este artículo describimos, con base en la sociología pragmática, las acciones de los actores en el trabajo de constitución de la ‘conformidad’ de la Autoridad Brasileña de Control de Dopaje (ABCD), teniendo en vista la realización de los Juegos Olímpicos y Paralímpicos de Río 2016 y el desarrollo de una ‘cultura antidopaje’. A partir de una etnografía multisituada, buscamos describir el trabajo de los mediadores, transformando, traduciendo, distorsionando y modificando intereses. Escogimos como fuentes de controversias la creación y el funcionamiento de la ABCD; la aprobación del Código Brasileño Antidopaje; y la constitución y funcionamiento de la Justicia Deportiva Antidopaje. El trabajo social de conquista de la ‘conformidad’ de la ABCD refleja un proceso de traslación para la estabilización de esta comunidad nacional antidopaje, protagonizada por una agencia del Estado y, por lo tanto, en la composición de una Política Pública.

**Palabras clave:** Doping en los Deportes. Deportes. Política Pública. Sociología.

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The authors declare that there is no conflict of interest in this study.

### AUTHOR CONTRIBUTIONS

**Daniel Giordani Vasques:** Author of the research project. Writing and analysis of the article. Proofreading.

**Mauro Myskiw:** Writing and analysis of the article. Proofreading.

**Patrick Trabal:** Writing and analysis of the article. Proofreading.

**Marco Paulo Stigger:** Advisor. Writing and analysis of the article. Proofreading.

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### EDITORIAL RESPONSIBILITY

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