

Why Olympic Committee Should Allow Russians To Compete

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Now that the [World Anti-Doping Agency](#) has decided that Russia is not in compliance with the World Anti-Doping Code, the [International Olympic Committee](#) (IOC) is scheduled to decide on Dec. 5 whether Russian athletes can compete in the 2018 Winter Olympics in South Korea. If, as it should, the IOC looks forward and not backward, it will permit Russian athletes to compete under the flag of their country.



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First, the Olympic Charter makes it clear that individual athletes have a human right to practice sport. The fourth Fundamental Principle of Olympism in the Olympic Charter states that: "The practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind."

Second, to avoid politics, the Olympic Charter guarantees noninterference in how individual countries organize sport. The fifth Fundamental Principle of Olympism in the Olympic Charter states that: "Recognizing that sport occurs within the framework of society, sports organizations within the Olympic Movement shall have the rights and obligations of autonomy, which include freely ... determining the structure and governance of their organizations."

Analyzing these principles in making a decision whether to allow Russian athletes to compete under the Russian flag in the upcoming Winter Olympics can lead to only one conclusion. The Russian athletes should be allowed to participate, subject to the same drug-testing applied to all athletes at the Winter Games.

Banning some or all of these athletes without a determination that they have done anything wrong not only takes away their basic human right delineated in the Olympic Charter, but also it violates one of the most fundamental concepts of justice: that a person is innocent until proven guilty. Whether or not the Russian Anti-Doping Agency (RUSADA) is in compliance with WADA's regulations does not in any way prove any wrongdoing on the part of any individual athlete. Furthermore, those athletes have no control over RUSADA, and

therefore no moral responsibility for its operations. Finally, if the athletes are violating WADA's regulations, those violations are subject to testing at the Winter Olympics.

According to the fifth Fundamental Principle of Olympism, how RUSADA is operated is solely up to the Russian authorities, just as the anti-doping agencies of any other country are operated solely at the discretion of those countries. This independence is clearly not the best way to insure that doping does not occur, and the easiest solution to that would be to change the illogical way that WADA operates.

WADA is a central organization that, among other things, certifies national anti-drug agencies in every country that participates in the Olympics. Therefore, the national organizations have a built-in conflict of interest because they are certifying the drug compliance of their own athletes. This conflict-of-interest situation has actually led to well-publicized problems with countries other than Russia, including Jamaica and the United States.

WADA could obviate this problem in at least two obvious ways. One, WADA could establish its own drug-testing laboratories in each country, laboratories that would answer only to WADA, not to the country of residence. Second, WADA could, without identifying the country of origin, simply distribute the materials to be tested to countries other than the athletes' country of residence. Either of these methods would eliminate any incentive by any laboratory to alter results.

Either solution is superior to what is happening now, which is that WADA is trying to control the affairs of a sovereign country. Perhaps the best example of that appears in the WADA document titled "RUSADA: Roadmap to Compliance." The first item in the section of that document, with the heading "Part II: The following criteria must still be fulfilled for RUSADA to regain compliance with the [WADA] Code," states: "The responsible authorities for anti-doping in Russia must publicly accept the reported outcomes of the McLaren Investigation (aka Independent Person Investigation). This includes: RUSADA, the Ministry of Sport and the National Olympic Committee."

This mandate clearly violates the fifth Principle of Olympism. Furthermore it clearly demonstrates the importance of that principle: the idea that an international sports-related organization can issue such an order to a sovereign country is absurd.

Moreover, such an order has nothing to do with solving the problem of doping — which is not just a Russian problem — going forward. The order seems calculated to humiliate a sovereign country, which is, at the least, counterproductive.

Lastly, the order has nothing to do with the athletes, who, according to the Olympic Charter, have a basic human right to compete. Like most athletes, they want to compete under the flag of their country, and there is absolutely no reason to deprive them of that honor.

Mass bans of athletes by the IOC have not turned out well. Of the first 96 athletes banned from the recent Rio Olympics, 95 who were subsequently tested were cleared of doping. Unfortunately, they had already been punished by being banned from competing at Rio.

That unjust result should not be repeated. Mass bans virtually guarantee such a result because they lack due process. For that reason, on Dec. 5 the IOC should permit the Russian athletes to compete in the upcoming Winter Olympics.

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