



Gujarat National Law University

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Three-day lecture series on "Rethinking Sports Governance and Autonomy in the Post-Covid World" organised by GNLU, Professor Richard McLaren delivered a lecture on 'Sport Autonomy & Sports Authority: Post-Covid will Governance be different?'

Gandhinagar, January 19, 2021: On the last day of the three-day lecture series on "Rethinking Sports Governance and Autonomy in the Post-Covid World" organised by GNLU, Professor Richard McLaren delivered a lecture on 'Sport Autonomy & Sports Authority: Post-Covid will Governance be different?'

Professor Richard McLaren is currently an Anti-Corruption Hearing Officer for the Tennis Integrity Unit, FIBA appointed Integrity Officer (2020) and Past-President of the European Basketball Arbitral Tribunal. He is also a professor of Law at Western University in London, Ontario and has been Associate Dean and Interim Dean; Chairman Emeritus Advisory Board, National Sports Law Institute at Marquette University.

As a member of the World Anti-Doping Agency's 2015 Independent Commission, he examined systemic doping and corruption in Russian Athletics. In 2016, he led the investigation into allegations of sample tampering at the 2014 Sochi Winter Olympics, out of which a McLaren Report was submitted to WADA. Therefore, most of the discussions during his lecture were based upon anti-doping governance and integrity functions.

Professor Richard initially focused on how "Self-interest and self-regulation inhibit reform in Sport" whilst addressing the issue of governance and integrity within sporting bodies. He explained that there is often an incentive for sports organizations to conceal corruption within Sport. More so, the IOC's "one vote per country" rule and other biased rules only serve the ends of self-interest. Further, he explained that self-regulation implied no separation of powers and finances within governing bodies, no broad regulatory oversight, and cross-appointments between NSFs and Ifs. Thus, no reform of governance or autonomy. Further, while discussing the aspect of post-COVID governance, he said that although COVID did not bring with itself new problems, it indeed amplified the exiting issues in sports governance.

Professor Richard went to briefly touch upon how then WADA Code 2015 did not protect whistle-blowers within the anti-doping community. He emphasized that whistle-blowers must be protected to ensure the strict compliance of anti-doping rules. The Professor recollected that whistle-blowers in the past, such as Yuliya Stepanova and Dr Grigory Rodchenkov were brave enough to help provide investigative details regarding the State-sponsored Anti-Doping programme in Russia.



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Subsequently, the Professor expressed that although WADA governance at the international level has significantly improved, the governance of NSFs and International Federations are not yet up to the mark. In other words, NSFs & Ifs cannot manage corruption alone. In fact, what is required from Sports bodies is self-reformation. The Professor then went on to explain that World Athletics and the International Tennis Federation have been the only bodies that have recently reformed themselves with established integrity units.

Professor Richard had addressed whether the pandemic had significant effects on WADA governance. He stated that no direct effects of the pandemic were found within WADA governance. However, the possibility of a loss of revenue and finances could be a downfall to the anti-doping system. He went on to explain that due to lesser finances, not many audits and investigations could be carried out. Further, the physical restrictions from travelling during Covid did not facilitate “no-notice” whereabouts tests. Therefore, in a way, there are possibly some transparency and doping problems within WADA due to the pandemic.

Prof Richard McLaren wrapped saying that NSFs and Ifs are structured on the 19th-century governance models but they are outdated now and not suitable for the 21st century. Sports is a big business now and calls for regulatory supervision. The absence of regulation facilitates corruption. Too often, crisis precipitates reform. Let us hope COVID-19 pandemic acts as the crisis for future reforms in sports governance.

This lecture series was organized under the aegis of GNLU Centre for Sports and Entertainment Law with the Golden Jubilee Conference and Lecture Series Grant awarded by Shastri Indo Canadian Institute.

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