

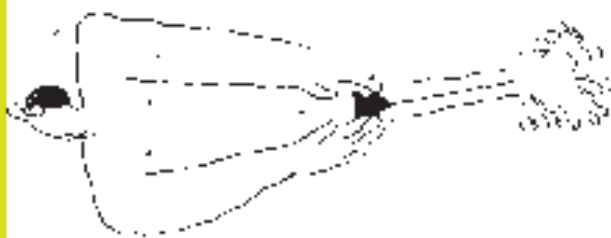
Dossier



Doping in Sport: UNESCO provides an international legal framework

On 19 October 2005, the 33rd session of the UNESCO General Conference unanimously adopted the International Convention against Doping in Sport. While this was a landmark occasion for UNESCO as a practical demonstration of its important role in international standard-setting, it has significant implications for the future of sport. The Convention provides a legal framework within which all governments can take action to remove doping from sport and further the harmonization of anti-doping efforts worldwide. How was the Convention developed? What duties does it lay on States? And above all, why is the international community as a whole concerned with doping in sport? This dossier gives an overview.

Dossier compiled by Paul Marriott-Lloyd / illustrations: Emmanuel Labard



Law has never been an “Olympic” discipline, although taking part in sport in any way obviously means learning and following rules. But increasingly numerous sporting scandals involving cheating in recent years could hardly leave the 192 Member States of UNESCO unmoved. For doping has now become one of the most serious threats to sport. It is injurious to athletes and, by ruining fair play and fair competition, damages beyond repair the credibility of sport.

It was natural for UNESCO, which stands on principles of equality and justice, to have facilitated the development of the first truly global anti-doping legal instrument, particularly with the Organization’s strong interest in education and the fundamental values underpinning physical education and sport. UNESCO was deeply concerned about the erosion of ethics and the gross inequity created by the use of performance enhancing drugs by athletes. Since its creation, UNESCO has constantly fought for the principles of equality and justice, and offers States an instrument to set ethical limits to scientific and technical shake-ups. It was therefore legitimate for UNESCO to support the development of the first truly global legal anti-doping instrument. This has now been achieved.

A response to the demands of the international community

In developing the Convention, UNESCO responded to the calls from the international community. At the Third International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS III) in Punta del Este, Uruguay, in December 1999, consideration was given to ethical values in sport. Ministers expressed concern over unethical behaviour, in particular doping in sport, and urged all countries to take concerted action. In January 2003, the UNESCO Round Table of Ministers and Senior Officials Responsible for Physical Education and Sport considered the issue of doping in sport. The final communiqué issued on behalf of 103 Member States and 20 intergovernmental and non-governmental organizations noted the danger posed by doping in sport, not only as a breach of sporting ethics but also as a danger to public health, and required a concerted response involving education, information, research, controls and sanctions. These developments culminated in the decision of the 32nd session of the UNESCO General Conference to develop an international convention against doping in sport [32 C/Resolution 9 refers].

The Convention was developed after extensive drafting and consultation meetings involving representatives from over 95 countries. It was the product of three meetings of an experts’ group (Category VI) and three sessions of an intergovernmental meeting (Category II) between 2004-2005. Further, the Fourth International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport (MINEPS IV) considered the draft Convention and helped to resolve a number of outstanding issues.



→ **A Convention to facilitate prevention and action**

The purpose of this Convention is to promote the prevention of and the fight against doping in sport, with a view to its elimination. The Convention represents the first time that governments around the world have agreed to apply the force of international law to anti-doping. This is important because there are specific areas where only governments possess the means to take the fight against doping forward. Accordingly, the Convention helps to formalize global anti-doping rules, policies and guidelines that will help to provide an honest and equitable playing environment for all athletes.

The Convention also provides the means for governments to back the efforts of the sporting movement. It has been drafted to give effect to the World Anti-Doping Code (the Code), creating obligations on nations to take steps in accordance with its principles. The Code, developed by the World Anti-Doping Agency (WADA), seeks to: protect athletes' fundamental right to participate in doping-free sport and thus promote health, fairness and equality for athletes world-wide; and ensure harmonized, coordinated and effective anti-doping programmes at the international and national level with regard to detection, deterrence and prevention of doping. WADA has also developed four international standards to support the Code, prescribing the technical and operational requirements. Adherence to these international standards is mandatory to achieve compliance with the Code.

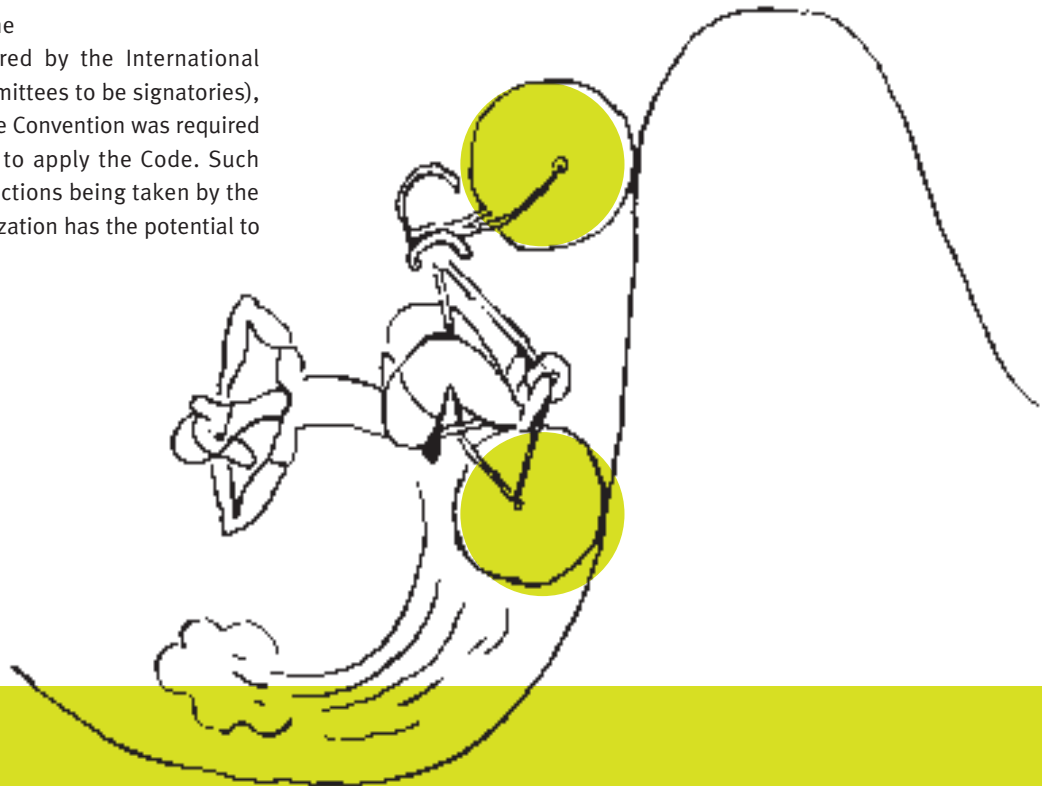
While a large number of sporting organizations have signed the Code (all sporting organizations wishing to participate in the Olympic or Paralympic Games are required by the International Olympic and International Paralympic Committees to be signatories), it is not legally binding for governments. The Convention was required to impose an obligation on governments to apply the Code. Such actions must be complementary to those actions being taken by the sporting movement, as any lack of harmonization has the potential to be exploited to perpetuate doping.

The Convention has been drafted to keep pace with changes in the international anti-doping environment. There is a mechanism in the Convention that allows States Parties to approve and adopt changes to the Prohibited List International Standard and the Standards for Granting Therapeutic Use Exemptions. These documents are an integral part of the Convention because they are fundamental to international harmonization in the fight against doping in sport.

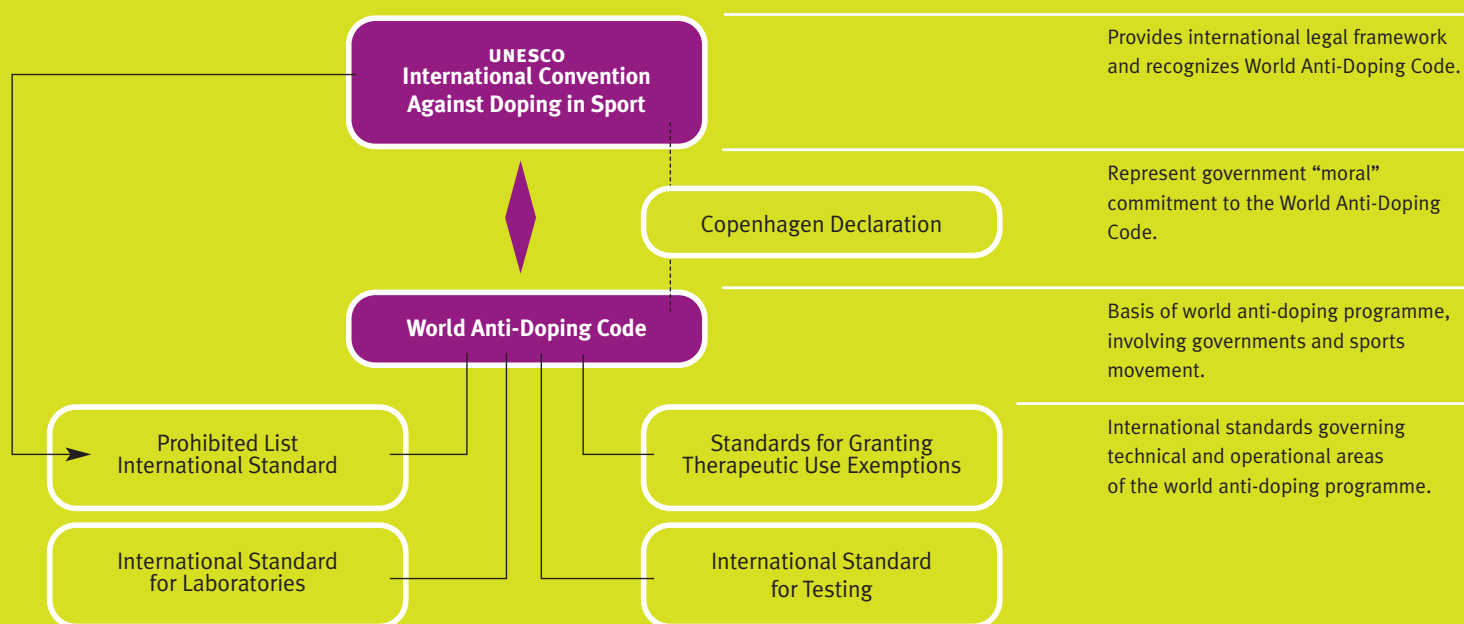
WADA prepares a new Prohibited List International Standard each year. It is continually evolving as new substances and methods are uncovered and scientific knowledge of the effects of various substances advances. Substances and methods are included on this list because of their potential to enhance performance (or mask doping), their use represents an actual or potential health risk, or violates the spirit of sport. The Standards for Granting Therapeutic Use Exemptions provides the framework for athletes to be prescribed medicines contained on the Prohibited List International Standard for legitimate medical purposes. Any changes made to these two Standards can be rapidly incorporated into the corresponding annexes to the Convention either by approval by the Conference of Parties overseeing its implementation or via written procedure. In this way the Convention can be seen as a living document.

“No effort must be spared to highlight the harmful affects of doping, which is both injurious to health and contrary to the sporting ethic, or to protect the physical and mental health of athletes, the virtues of fair play and competition, the integrity of the sporting community and the rights of people participating in it at any level whatsoever.”

 International Charter of Physical Education and Sport, 1978



The international anti-doping set-up



→ A flexible document for governments

The Convention is also a permissive document. The majority of the obligations in the Convention are articulated in non-prescriptive language, requiring a commitment to undertake measures consistent with the principles of the Code. The Convention also provides flexibility in the approach governments can take to implementation, by way of legislation, regulation or policies. However, States Parties are required to undertake to adopt appropriate measures at the national and international level to encourage and foster all forms of international cooperation aimed at protecting athletes and furthering the fight against doping in sport.

- States Parties shall, where appropriate, adopt measures to restrict the availability of prohibited substances and methods in order to combat their use in sport. These include measures against production, movement, importation, distribution, sale and trafficking (**Article 8**).
- There is a requirement to adopt measures aimed at athlete support personnel, including coaches, managers, medical staff and administrators (**Article 9**), and measures to encourage the producers and distributors of nutritional supplements to disclose information regarding the analytic composition of their products (**Article 10**).
- States Parties shall, where appropriate, provide funding for testing programmes, withhold financial support to suspended athletes and withhold financial or other sport-related support from sports organizations not in compliance with the Code (**Article 11**).

- Doping control shall be consistent with the Code and should include no-advance notice, out-of-competition and in-competition testing (**Article 12**).
- Cooperation between anti-doping organizations, public authorities and sports organizations is encouraged at the international level, particularly in relation to doping control, in order to achieve the purposes of the Convention (**Articles 13-16**). Support for, and funding of, WADA are also specifically dealt with.
- The Convention requires States Parties to undertake, within their means, to support, devise or implement education and training programmes on anti-doping (**Articles 19-23**).
- The promotion of research into anti-doping is another central component of the Convention (**Articles 24-27**). States Parties are to undertake, within their means, to encourage and promote anti-doping research, and specific areas of focus are articulated.
- In Articles 28-43, the Convention sets out implementation issues, such as the establishment and functions of the Conference of the Parties, its Secretariat, and the procedures for amending the Convention. There are also clauses relating to ratification procedures, entry into force, denunciations, depositary and reservations mechanisms.



➔ **Financial resources to support implementation**

There are provisions for the financing of activities by States Parties that implement anti-doping programmes in accordance with the Convention. In supporting the development of the Convention, UNESCO has been cognizant that anti-doping programmes across the world are at different stages of development and it has been careful to ensure that the Convention meets the needs of all Member States. UNESCO seeks to expand knowledge, share best practice and build capacity in the many regions around the world through the application of the Fund for the Elimination of Doping in Sport established under Article 17 of the Convention. This fund is made up of contributions, gifts or bequests from Member States, private or public bodies and individuals as well as revenue from fundraising activities. The fund can also be used to cover the functioning costs of the Convention.

A Conference of the Parties, composed of those Member States that have adhered to the Convention, will serve as the sovereign body for the Convention. UNESCO aims to hold the first meeting of the Conference of Parties in 2006, after the Convention enters into force. At the first meeting, the Bureau (the Chairperson and four Vice Chairs) will be elected and the rules of procedure adopted. Other key items for discussion include administration of the Fund for the Elimination of Doping in Sport and consideration of a monitoring framework – a self-assessment questionnaire – in support of the Convention. The Conference of Parties will also need to adopt the latest Prohibited List International Standard. WADA will act as an advisory organization to the Conference of Parties and UNESCO will draw upon its expertise in anti-doping matters. It will be important for governments to be well represented at the Conference of Parties so as to help set the overall direction for the implementation of the Convention.

The VIth American Council of Sport Meeting agreed to “strive to accept, ratify, accede or approve the UNESCO International Convention against Doping in Sport as soon as possible in order to strengthen governmental commitment and engagement in the fight against doping in sport.”

 Rio de Janeiro, 2006

Thirty countries need to sign up

The Convention marks a new phase in anti-doping, one in which all governments around the world work within their considerable spheres of influence to remove doping from sport. The Convention provides the framework for this to take place. However, it requires forceful application by all of the governments of the world to ensure that these are not simply words without actions. This is essential to maintain the current momentum in anti-doping and to meet commitments made to the sporting movement.

Ratification, acceptance or accession by 30 States is required for the Convention to enter into force. The process for ratification will vary from country to country, however, it typically involves Parliamentary or Presidential approval. UNESCO is able to provide assistance to governments at any time during this process, particularly with technical advice on the Convention and anti-doping public policy.

At the time of writing, 13 Member States have deposited their instruments of ratification, acceptance or accession with the Director-General of UNESCO. A number of other Member States, across all five UNESCO regions, have indicated that they intend to ratify, accept, approve or accede to the Convention. Accordingly, it is anticipated that the Convention could enter into force in mid-2006. This would make the Convention one of the Organization’s most successful international instruments in terms of the speed of its development, adherence by Member States and timely entry into force.



Dossier



States Parties to the UNESCO Convention

Member	Type of instrument	Date of deposit
Sweden	Ratification	09/11/2005
Canada	Acceptance	29/11/2005
Denmark	Ratification	15/12/2005
New Zealand	Acceptance	23/12/2005
Norway	Ratification	13/01/2006
Australia	Ratification	17/01/2006
Monaco	Acceptance	30/01/2006
Iceland	Accession	10/02/2006
Cook Islands	Accession	15/02/2006
Nigeria	Ratification	24/02/2006
Latvia	Accession	10/04/2006
United Kingdom	Ratification	25/04/2006
Nauru	Ratification	04/05/2006

Richard Pound,
President
of the World Anti-
Doping Agency



“The World Anti-Doping Agency was extremely pleased that the International Convention against Doping in Sport was developed under the auspices of UNESCO. By ratifying and implementing this Convention, governments will fully demonstrate their own commitment to the fight against doping and establish one of the key tools necessary to achieve clean sport on a global scale.”

“It is the right of every sportsman and sportswoman to compete in an environment free from doping. Both a national policy and international cooperation is essential to achieve this. The Swedish Government regards a broad ratification of the UNESCO International Convention against Doping in Sport by countries from all regions as a vital step towards realizing the vision of doping free sport.”

Bosse Ringholm,
Deputy Prime
Minister and
Minister for Sport,
Sweden



→ Americas Strongly Support the Convention

UNESCO was actively involved in two key Ministerial sports meetings in Rio de Janeiro, Brazil. Anti-doping figured prominently on the agenda of the 6th American Council of Sports Meeting, held 14-15 March 2006, involving the 42 countries of the Americas and the Caribbean. Paul Marriott-Lloyd, Programme Specialist: Anti-Doping, gave a keynote address to the meeting, outlining what the Convention seeks to achieve and emphasizing the importance of its ratification and entry into force. In the ensuing discussions, Ministers and senior officials responsible for sport gave their strong endorsement of the Convention, which was also articulated in the final declaration of the meeting.

The Convention was also discussed at the Ibero-American Sports Council Meeting on 16-17 March 2006. Several Ministers, including Honorable Secretary Dr Jamie Lissavetzky Diez of Spain, provided an outline of the progress their governments had made towards ratification of the Convention. The declaration of the Ibero-American Sports Council was equally strong in support of the Convention.

UNESCO was very encouraged by the resolute political declarations made at these meetings backing the Convention. To have such clear and purposeful regional statements, involving 42 Member States, indicates the widespread support for the Convention and augurs well for its rapid entry into force.

“To advance, as far as possible, ratification by the competent body in each country of the International Convention against Doping in Sport adopted by the UNESCO General Conference in October 2005”.

Declaration by the 12th General Assembly
of the Ibero-American Sports Council,
Rio de Janeiro 2006

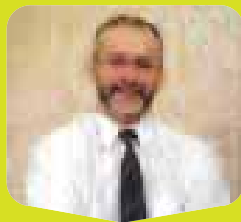
Commonwealth Sports Ministers Agree to Ratify the Convention

On 14 March, prior to the opening of the 2006 Melbourne Commonwealth Games, the Third Commonwealth Sports Ministers' Meeting discussed issues of mutual importance and strategically addressed the application of sports programmes in assisting the health, social and economic development of the 53 countries and 18 territories of the Commonwealth. The International Convention against Doping in Sport was a key item of discussion.

Rod Kemp, Australian Minister for the Arts and Sport, and Mr David Howman, Director-General, WADA, spoke of the importance of the Convention and the need for this international instrument to enter into force quickly. This position was strongly endorsed by all of the Commonwealth Sports Ministers who, in the final communiqué of the meeting, agreed “to take steps to ratify the Convention as soon as possible, with all aiming to do so by the end of 2006”.

The key task now is to translate such political commitments into action. Seven Commonwealth countries (Canada, New Zealand, Australia, Cook Islands, Nigeria, the United Kingdom and Nauru) have already ratified, accepted or acceded to the Convention and it is expected that others will follow suit.

Sir Phillip Craven,
President of the
International
Paralympic
Committee



“The International Convention Against Doping in sport is an important example of how, with international co-operation, we can enable athletes to perform at their best, in a fair environment, free from doping. It is my wish that in this environment, the performances of Paralympic athletes will serve as the best method of education for the next generation of athletes.”

“It’s important that not only New Zealand athletes, but athletes world wide have the opportunity to compete in clean and fair conditions, where qualities such as honesty, ethics, commitment, respect and courage drive outstanding performances, not performance enhancing substances.”

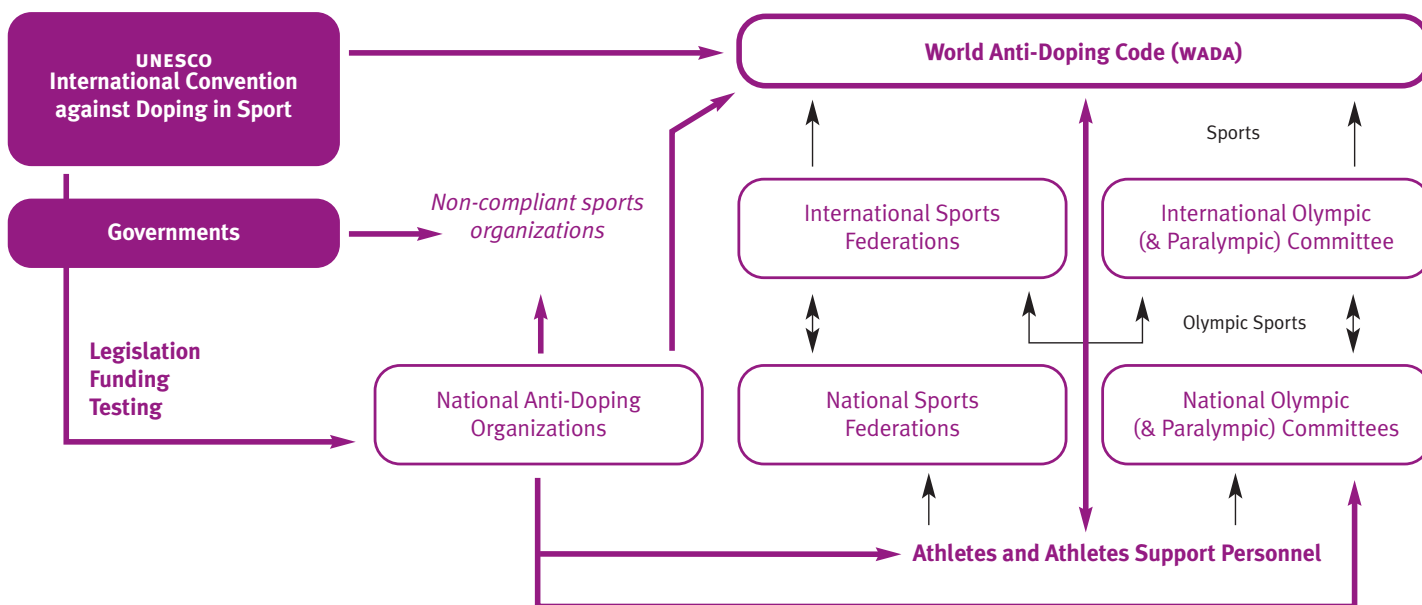
Trevor Mallard,
Minister for Sport
and Recreation,
New Zealand



Who does what?

There are a number of key stakeholders in the fight against doping in sport. UNESCO, the World Anti-Doping Agency (WADA), governments, the sporting movement and individual athletes all have distinct roles and responsibilities. The World Anti-Doping Code (the Code) sits at the heart of international harmonization efforts. Governments cannot be parties to the Code, therefore they give effect to it by ratifying, accepting, adopting or acceding to, and then implementing, the International Convention against Doping in Sport (the Convention). Support of the Code by the sporting movement is through a series of

cascading relationships and obligations. In this regard, the signatories to the Code (International Olympic Committee, International Paralympic Committee, International Sports Federations, National Olympic Committees, National Paralympic Committees, National Sports Federations and National Anti-Doping Organizations) are required to adopt and implement anti-doping policies and rules which conform to the Code and ensure that their members do the same. Thus a single set of anti-doping rules has been put in place to govern sport. ¶





Physical Education and Sport now part of SHS

In January 2006, the Unit for Physical Education and Sport (PEs), which was previously in the Education Sector, was transferred to the Sector for Social and Human Sciences (SHS), Division for Social Science Research and Policy (SRP).

Physical education and sport is not only a tool for health and physical development, but also constitutes a major means for acquiring values necessary for social adhesion and intercultural dialogue. In particular, there are clear synergies between UNESCO's anti-doping programme and the leadership provided by SHS in the field of ethics. Doping in sport represents a clear erosion of the fundamental moral and ethical principles that underpin sport. Placement of PEs within the Sector for Social and Human Sciences allows these common areas of work to progress in a coordinated manner, while the sharing of ideas and interdisciplinary perspectives adds value to the overall work programme. This work compliments existing Social Science Research and Policy programmes on the management of social transformations, migration and urban issues. ¶

KEY CONTACTS IN SRP

Wataru Iwamoto,
Director, Social Science Research and Policy,
w.iwamoto@unesco.org,
tel.: +33 1 45 68 38 59.

Christina von Fürstenberg,
Chief of Section, Policy, International
Cooperation in Social Sciences,
c.von-furstenberg@unesco.org,
tel.: +33 1 45 68 45 16.

Paul de Guchteneire,
Chief of Section, International Migration
and Multicultural Policies, Specially
in Urban Settings,
p.deguchteneire@unesco.org,
tel.: +33 1 45 68 38 50.

Marcellin Dally,
Programme Specialist: Physical Education
and Sports,
m.dally@unesco.org,
tel.: +33 1 45 68 09 13.

Paul Marriott-Lloyd,
Programme Specialist: Anti-Doping,
p.marriott-lloyd@unesco.org,
tel.: +33 1 45 68 07 27.

www.unesco.org/en/antidoping The anti-doping website

As a means of raising the profile of the Convention, UNESCO has launched a website specifically highlighting its anti-doping programme. This website features promotional activities taken in support of the Convention, highlights States Parties to the Convention, draws attention to the erosion of the fundamental moral and ethical principles that underpin sport, and highlights the health consequences of doping in sport. The website will also serve as the working portal for the Conference of Parties to the Convention. Accordingly, States Parties and Member States will be able to access the agenda and reports prepared for the first Conference of Parties as well as the latest Prohibited List International Standard (Annex 1 of the Convention). ¶

