

Public Authorities

Intervention of Mr Paul Marriott-Lloyd, Programme Specialist Anti-Doping, UNESCO

Honorable Ministers,
Distinguished guests,
Ladies and Gentleman,

The revision of the Code is one of the primary objectives of this Conference. This review is born out of a desire to improve and enhance the Code which sits at the heart of the world anti-doping programme. It shows the growing maturity of the fight against doping in sport.

UNESCO is supportive of the proposed amendments to the Code and there are several that I wish to highlight. UNESCO approves of the attempts to clarify what constitutes an anti-doping rule violation under Article 2.4. The combination of three missed tests or whereabouts violations within an 18 month period appears to be a fair conclusion. This is a serious matter, and can have consequences for the athlete commensurate with a failed test, however, stringent measures are needed to deal with athletes that continually avoid out-of-competition testing. The proposed amendment, and revision of the International Standard for Testing, will help to provide international consistency.

UNESCO fully supports the amendments which will allow for greater flexibility in the sanctioning of athletes found to have committed anti-doping rule violations. There should be provision for reduced penalties in respect of no significant fault or negligence and increased penalties in the case of aggravating circumstances. Those that deliberately cheat and defile sport by their use of performance enhancing drugs and methods should be excluded from sport for a period commensurate with the seriousness of their actions. The addition of financial penalties is also important, particularly given that the lucrative prizes and endorsements that accrue to the winners often incentivize athletes to cheat.

UNESCO welcomes the amendments to the articles of the Code dealing with confidentiality and reporting. Changes were needed to protect the privacy of athletes as well as the integrity of the reporting processes.

UNESCO very much appreciates the efforts made to harmonize the education articles with the provisions contained in the Convention. I endorse the requirement that all signatories implement, evaluate and monitor information and education programs for doping-free sport within their means. While the provision of value and skill-based education programmes may be the mandate of governments, it should be informed and supported by the sports movement. A seamless application of anti-doping education from the classroom to the sports field is required.

The Director-General of UNESCO has already publicly endorsed the amendments which state that bids for the Games of the Olympiad and the Winter Games, or any pinnacle sporting events for that matter, will only be accepted from governments who have adhered to the Convention. This amendment will help to ensure that as many governments as possible become States Parties to the Convention and will, therefore, advance the goal of

harmonization in the fight against doping in sport. We thank the IOC for their certitude and courage in first promoting this idea.

The only real question has to do with references to the monitoring of the Convention in the Code as outlined in Article 23.4. It is inappropriate to discuss the monitoring of the Convention, an international legal instrument which binds States Parties (governments) within the Code, a document to which governments can not be signatories. Moreover, the proposed amendment does not accurately reflect the fact that the legal authority to monitor ongoing compliance with the Convention rests with the Conference of the Parties.

The authority and the basis on which the monitoring of the Convention will be undertaken are set forth in the Convention itself. In accordance with Article 28, the Conference of Parties is the sovereign body of the Convention. Article 30.1(e) states clearly that it is a function of the Conference of Parties to examine on an ongoing basis, the monitoring of compliance with the Convention. Finally, Article 31 establishes the basis of the monitoring system: "States Parties shall forward every two years to the Conference of Parties through the Secretariat, in one of the official languages of UNESCO, all relevant information concerning measures taken by them for the purpose of complying with the provisions of this Convention." These provisions clearly indicate that the Conference of Parties has sole responsibility for the monitoring of the Convention. It does not allow for ongoing compliance with the Convention to be monitored "as determined in consultation between the Conference of Parties, WADA and the applicable governments." This function is the legal authority of the Conference of Parties alone. On this basis, UNESCO respectfully requests the amendment of this Article.

This is largely a matter of semantics which can easily be resolved, recognizing that WADA should have a responsibility for advising both the sporting movement and governments on implementation of the Code and application of the Convention. Only through the partnership between these key stakeholders, and the provision of up-to-date and accurate information, can the fight against doping in sport be advanced. This objective might be best achieved by amendment of Article 20.7 of the Code. Under this Article, which concerns the roles and responsibilities of WADA, the following provisions could be added:

- 20.7.X WADA shall advise governments on the implementation of the *Code* by the *Signatories*.
- 20.7.Y WADA shall advise *Signatories* on the ratification, acceptance, approval or accession to the *UNESCO Convention* by governments in consultation with UNESCO.

Thank you.