

## INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT

On February 1 2007, the UNESCO International Convention against Doping in Sport<sup>1</sup>, signed in Paris on October 19 2005, came into force. We will attempt to analyse briefly what the International Convention represents and the effects this is having on the fight against doping in the world of sport and, by extension, on the UIAA and its activities.

This is the first time that governments from all over the world have agreed to apply the weight of international law in the struggle against doping through the UNESCO International Convention against Doping. As is widely known, there are a number of specific areas in which only governments and not sport federations or the organisers of sporting events (due to reasonable material or legal limitations) have the means to make progress in the struggle against doping. On the other hand, tackling this question within an institution such as UNESCO (a UNO body) is making a positive contribution to the **universal organisation of rules, policies and standards against doping**.

One of the major concerns that have existed historically in the realm of sports activities with regard to the problem of doping, is the lack of **uniformity** in existing regulations. This problem was overcome with the creation of the World Anti-Doping Agency (WADA-AMA) and the publication of its World Anti Doping Code (and subsequent related texts), which sports agencies, such as international sports federations, were obliged to sign<sup>2</sup> in order to gain, for example, the recognition of the International Olympic Committee.

The UNESCO International Convention, which represents a major step forward in the struggle against doping, contributes effectively to integrating the World Anti-Doping Code within the body of rules of each country, as signatories are obliged to include the aforementioned text in their respective legislation. There is a certain degree of flexibility in the strategies that governments can adopt in order to put the Convention into force through legislation, regulations, policies or administrative practices. But in all cases, governments will have to take specific measures in order to:

- Restrict the availability of illegal substances or methods designed for sportspersons (except in the case of legitimate use for therapeutic purposes), including measures against trafficking.
- Facilitate anti-doping controls and support national control programmes.

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<sup>1</sup> <http://unesdoc.unesco.org/images/0014/001425/142594m.pdf#page=37>

<sup>2</sup> <http://www.wada-ama.org/en/dynamic.ch2?pageCategory.id=270>

- Suspend financial aid given to sportspersons and their assistants who violate anti-doping regulations or to sports organisations that fail to comply with the World Anti-Doping Code.
- Encourage the producers and distributors of nutritive supplements to establish "suitable practices" with regard to the labelling, marketing and distribution of products that may contain illegal substances.
- Support educational anti-doping programmes aimed at sportspersons and the sports community as a whole.

Accordingly, the first conclusion is that **the UNESCO Convention against Doping is a text not intended for direct use by international sport federations, but by the State**. It should be pointed out that as the Convention is International in nature, each and every one of the signatory countries must make the appropriate changes in their respective national legislation in order to integrate effectively the provisions of the aforementioned text in their respective body of laws. We should point out that by May 31 2007, up to 56 States<sup>3</sup> had deposited with UNESCO their respective instruments of ratification of the Agreement.

However, as explained below, the fact that States from all over the world consider themselves compelled to adopt measures designed to eradicate, persecute and penalised doping in any of its manifestations in their respective national legislation. The incorporation of the provisions contained in the aforementioned International Convention within the body of laws of each country (implying the inclusion of the text of the World Anti-Doping Code of the WADA-AMA) will have an effect on the entire sports movement, including, logically, all national and international sport federations and the different people and entities that form part of these (sportspersons, trainers, doctors, organisers, etc.).

Article 13 of the aforementioned International Convention points out that: *"States Parties shall encourage co-operation between anti-doping organisations, public authorities and sports organisations within their jurisdiction and those within the jurisdiction of other States Parties in order to achieve, at the international level, the purpose of this Convention "*. As is often pointed out, in view of the fact that the doping problem "knows no frontiers", one of the keys to eradicating this problem can be found in the so-called **international co-operation**. And as cooperating agents in this field, we must point to international sport federations (such as the UIAA) as being the entities that in some way lead or control each one of the sports disciplines at a world level, and, by extension, to national federations integrated in international federations.

As a consequence of the existing concern about the fight against doping - which until now had been carried out mainly by the sports movement, essentially of a

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<sup>3</sup> <http://portal.unesco.org/la/convention.asp?KO=31037&language=S>

private nature (international sport federations are, for example, private entities) - in many cases situations can be found in which public entities, i.e., the national authorities of States that have assumed powers in the fight against doping, are going to intervene in a number of different areas.

Moreover, with regard to the desirable uniformity of regulations created to deal with doping in different countries and sports organisations, there is a certain aspect that must be taken into consideration by the international community integrated in the UIAA. Actions taken against doping in addition to those taken by national and international sport federations, can be carried out by all other agents or organisations based on national legislation applicable at each moment in time in each State. Therefore, in most countries, **in addition to being "violations of the rules of sport", certain actions or omissions relating to doping may be violations, breaches or failures to comply with the administrative or even penal provisions contained in the national body of laws.** This must be taken into consideration by the community integrated in the UIAA, due to the fact that in addition to the regulations of this international federation, we must also include those established by each country in matters relating to doping and which may be applicable, in the same way, to persons working within the UIAA and the activities carried out by this organisation.

I herewith sign this brief report in Bilbao on June 17 2007.

Borja Osés  
Member of the Anti-Doping Committee of the UIAA