



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры

منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
科学及文化组织

Conference of Parties to the International Convention against Doping in Sport

5CP

Fifth session
Paris, UNESCO Headquarters, Room IV
29-30 October 2015

Distribution: limited

ICDS/5CP/INF.3
26 May 2015
Original: French

Item 8.5 of the provisional agenda

MONITORING OF THE INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT: HARMONIZATION BETWEEN UNESCO, WADA AND THE COUNCIL OF EUROPE

Document: International Convention against Doping in Sport.

Context: this information document presents the progress made by UNESCO, the Council of Europe and the World Anti-Doping Agency (WADA) as part of the process of achieving greater harmonization and synergies of their respective means for the monitoring of the International Convention against Doping in Sport, in accordance with resolution 2CP/5.2 adopted by the Conference of Parties. It presents the consultations carried out by the Secretariat with the Council of Europe and the World Anti-Doping Agency with a view to examining solutions for harmonizing their means for monitoring the International Convention against Doping in Sport, the World Anti-Doping Code and the 1989 Anti-doping Convention, pursuant to resolution 2CP/5.2.

INTRODUCTION

1. In accordance with resolution 2CP/5.2 of the Conference of Parties, this document contains information concerning the tools and means used by the Member States and the Secretariat for monitoring the application of the Convention. The Conference of Parties may wish to take note of the progress achieved through the efforts undertaken over the years to ensure good harmonization of the monitoring process of the International Convention against Doping in Sport, the World Anti-Doping Code and the 1989 Anti-doping Convention, pursuant to the aforementioned resolution. This approach working towards greater synergy aims to improve the reporting efficiency of the parties concerned and to learn lessons useful for the progress needed to reach the Convention's objectives.

MONITORING OF THE CONVENTION THROUGH THE HARMONIZATION OF MEANS BETWEEN UNESCO, WADA AND THE COUNCIL OF EUROPE

2. The monitoring of the Convention takes into account not only the formal accession of a State Party but also of each State's biennial report on the measures undertaken to comply with its treaty obligations.¹

3. The ADLogic system is a monitoring tool available to UNESCO for measuring the effectiveness of the above. Whilst this tool is both sound and useful, it is not sufficient if considered alone. It is therefore necessary to join forces with the Council of Europe and WADA who have experience and monitoring procedures that go beyond a questionnaire-based self-evaluation.

4. In accordance with resolution 2CP/5.2, the Secretariat entered into consultation with WADA and the Council of Europe to examine the harmonization of monitoring systems for the International Convention against Doping in Sport, the World Anti-Doping Code and the 1989 Anti-doping Convention (See document ICDS/4CP/INF.3).

5. To better understand the current know-how, UNESCO participated as an observer in the statutory meetings of the Council of Europe on two occasions: first, at the 29th meeting of the Ad hoc European Committee for the World Anti-Doping Agency (CAHAMA) and the 40th meeting of the Council of Europe Monitoring Group of the Anti-Doping Convention (T-DO), held from 5 to 7 May 2014 and, second, at the 41st meeting of T-DO and the 31st meeting of CAHAMA, held on 5 and 6 November 2014, respectively.

6. UNESCO has committed to formalizing the proposals made during the respective sessions of T-DO and CAHAMA to strengthen cooperation on compliance monitoring systems for their respective instruments. Regarding this matter, it was decided between UNESCO and the European Council to adopt a shared position in order to express, before the WADA Foundation Board meeting held on 18 May 2014 in Montreal, the renewed wish to strengthen this tripartite cooperation, in particular the synergy of monitoring systems and their alignment with the objectives of their respective regulations, which determine the obligations that each of their constituents should fulfil.

7. The results of this process were formalized before the WADA Foundation Board on 16 November 2014 in Paris.

8. As UNESCO's monitoring using ADLogic is based on a quantitative method (principally statistical data), the agreed approach of bringing together WADA and UNESCO on "field visits" undertaken by the Council of Europe Monitoring Group within its jurisdiction, would clearly provide qualitative added value to enrich the statistical data on a trial basis.

¹ Under Article 31 of the Convention, "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".

9. This trial, if actually carried through,² could be extended to States Parties that are not under the jurisdiction of the Council of Europe. A letter written by the Deputy Secretary General of the Council of Europe to the WADA Foundation Board during its November 2014 session represents a decisive step in the convergence of the aforementioned monitoring activities.

10. Compliance monitoring carried out by WADA using its own verification tool, is supported by the Anti-Doping Administration and Management System (ADAMS), developed as an online management system which simplifies the day-to-day administration of stakeholders' and athletes' anti-doping activities, provides information on athletes' whereabouts and facilitates the management of therapeutic use exemptions (TUEs) (See Annex II of the Convention), the planning of tests conducted on athletes and the management of test results. This system represents a more specific, technical approach for sports federations and athletes, in contrast to UNESCO's ADLogic system based on commitments made by States.

11. The WADA Code, despite its new scope, will only be of interest to the Convention from an ADLogic standpoint, by introducing into the proposed revision of the questionnaire a section on the relationship between the Convention and the Code, and the way in which the States Parties integrate certain key procedures into their commitments to the WADA Code.

12. The WADA Foundation Board has approved the 2015 Compliance Plan. At the heart of this Plan, WADA will establish an independent, non-political Compliance Review Committee to provide advice, guidance and recommendations on compliance matters to the WADA Foundation Board.

13. Despite the differing mechanisms of the monitoring methods of the respective Conventions of UNESCO and the Council of Europe as well as the WADA Code, it is apparent that these three entities have been endeavoring for several years to cooperate to achieve a harmonized approach. Although the initiatives carried out to this effect are worthwhile, they require a methodological framework for cooperation compatible with the mandates of each body and a satisfactory partnership.

14. Monitoring, from UNESCO's point of view, is more of an observational activity under the current model dedicated to public authorities, a model that remains, despite its imperfections, complementary to the models of WADA and the Council of Europe. ADLogic's universal dimension gives it the role of a "radar" without sanctions, in contrast to WADA which may take binding measures. Under resolution 3CP/6.3 of the Conference of Parties, only States Parties that have submitted the required statutory report can receive funding under the Fund for the Elimination of Doping in Sport. Despite being a prerequisite for eligibility for the anti-doping Fund, new approaches have been discussed, in particular the proposed principal of formal notification of "*non-compliant*" States Parties provided for in Article 31 of the Convention, as mentioned in ICDS/5CP/Document 3.

15. The respective reforms, initiated by UNESCO for its ADLogic questionnaire (see the specific report on this matter) and WADA within the framework of its compliance plan, remain a new challenge requiring the reinforcement of consultations with WADA and the Council of Europe. It will fall to the Conference of Parties to provide proper guidance on these reforms so that the necessary efforts and required synergies are pursued, taking into account the new procedures envisaged.

² The conducting of this trial depends on the effective implementation by the Council of Europe of the launch arrangements and a plan complete with calendar detailing the relevant parties' involvement.