



United Nations
Educational, Scientific and
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Organisation
des Nations Unies
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Organización
de las Naciones Unidas
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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

1CP

First Session
Paris, UNESCO Headquarters, Room IV
5-7 February 2007

Distribution: Limited

ICDS/1CP/Doc.6
1 December 2006
Original: English

Item 7 of the Provisional Agenda

Administration of the Fund for the Elimination of Doping in Sport

Summary

Document: International Convention against Doping in Sport

Background: This document outlines a framework for the administration of the Fund for the Elimination of Doping in Sport established under Article 17 of the International Convention against Doping in Sport, which may consist of contributions of States Parties, contributions, gifts or bequests from other Member States, organizations and programmes of the United Nations system, public or private bodies and individuals. In accordance with Article 18 of the Convention, the Voluntary Fund is designed to assist States Parties to develop and implement anti-doping programmes consistent with the Convention and, the Voluntary Fund may also serve to cover functioning costs of the Convention.

Pursuant to Article 30.1(c) of the Convention, the Conference of the Parties is requested to adopt a plan for the use of the resources of the Voluntary Fund.

Decision Required: Paragraph 26

INTRODUCTION

1. This document presents a framework for the administration of the Fund for the Elimination of Doping in Sport (hereinafter referred to as “the Voluntary Fund”) to be created under Article 17 of the International Convention against Doping in Sport (hereinafter referred to as “the Convention”). The Voluntary Fund may consist of contributions of States Parties, contributions, gifts or bequests from other States, organizations and programmes of the United Nations system, public or private bodies and individuals. In accordance with Article 18, the Voluntary Fund is designed to assist States Parties to develop and implement anti-doping programmes consistent with the Convention and may also serve to cover some of the functioning costs of the Convention. The Conference of Parties is requested to approve the criteria, conditions and procedures for submission of Voluntary Fund requests in accordance with Article 30.1(c) of the Convention.
2. A special account for the administration of the Voluntary Fund has been established in accordance with Article 6, paragraph 6, of the Financial Regulations of UNESCO. In accordance with Administrative Circular No. 2280, a 10% programme support cost is applicable to the special account for the Voluntary Fund. The advantage of a special account is that multiple contributions can be combined to finance specific projects. Moreover, funds can be carried over from one biennium to another and any interest accrued reinvested in accordance with Article 17.2(c) of the Convention. However, the establishment of the special account does not preclude donors from also establishing funds-in-trust projects for larger amounts or for specific purposes.
3. It is proposed that the Voluntary Fund be used for three specific purposes: (1) to assist States Parties to develop and implement anti-doping programmes consistent with the Convention; (2) to cover the functioning costs of the Convention; and (3) to cover the costs of anti-doping education programmes developed by UNESCO. These three areas are discussed in detail below.

PRINCIPLES AND PROCEDURES FOR ASSISTANCE TO STATES PARTIES

4. Before outlining the various forms of assistance to States Parties, it is important to establish principles and procedures to govern the administration of the Voluntary Fund. These rules lay the foundations on which the Voluntary Fund will be managed while helping to ensure a transparent and equitable balance in allocation of funds. The Secretariat proposes the following basic rules:
 - Requests for assistance shall be submitted to the Director-General of UNESCO by States Parties, through the National Commission for UNESCO, or where there is no National Commission through a designated government channel.
 - Projects initiated by the Secretariat shall require the prior approval of the Conference of Parties.
 - Each request by a State Party shall not be in excess of US\$10,000 for national projects.
 - Each sub-regional, inter-regional or regional projects submitted by States Parties shall not be in excess of US\$25,000.

- Requests will be treated as advance payments which must be based on the receipt of a detailed work plan including the costs of the specific elements that make up the contribution.
- Applications shall have three compulsory prerequisites; States Parties in submitting applications must agree:
 - i. to assume financial and administrative responsibility for implementing the project;
 - ii. in the case of a financial contribution, to submit to the Director-General at the close of the project an itemized certified financial statement, together with supporting documentation (invoices etc), showing that the funds provided have been used for the implementation of the project and return to UNESCO any unspent balance;
 - iii. to provide, on a compulsory basis, a detailed evaluation report on the results of the activities financed and the outcomes achieved.
- No new financial contribution will be paid until the applicant has submitted all the financial and evaluation reports for projects previously approved and for which payments were made.
- Each State Party may submit three requests during any biennium. These requests shall be numbered in order of priority as determined by the National Commission and which may only be changed by an official letter from the National Commission.
- The Director-General shall give priority to projects from least developed States Parties or low income countries as defined by the United Nations Economic and Social Council's Committee for Development Policy, or projects which enhance the capacity of least developed or developing States Parties.
- A list of the projects will be prepared by the Secretariat for support under the special account. The Secretariat shall also have responsibility for allocation of financial contributions, receipt of itemized statements accounting for the activities executed, verifying that the funds have been used for the implementation of the project and reviewing the project evaluation reports.

FORMS OF ASSISTANCE

Participation

5. The Secretariat proposes that limited funding be set aside to allow developing or least developed States Parties to participate in the Conference of Parties. It is important that all States Parties are able to contribute to the decision making of the Conference of Parties which is the sovereign body for the Convention. Participation in the Conference of Parties would also contribute to knowledge sharing and the development of networks between anti-doping officials as well as facilitate compliance with reporting obligations under Article 31 of the Convention.
6. Subject to the decisions of the Conference of Parties, funding could be allocated to cover the travel costs of one senior official from each developing or least developed State Party. An alternative would be to pay a daily subsistence allowance to one

senior official from each developing or least developed State Party. Payments could also be made to cover both travel and daily allowances or a set amount stipulated.

Testing Programmes

7. There is an obligation under the Convention for States Parties concerning the implementation of national testing programmes. Under Article 11(a) of the Convention, States Parties shall, where appropriate, provide funding to support a national testing programme across all sports or assist sports organizations and anti-doping organizations in financing doping controls. This can be achieved through direct subsidies or grants or built into existing funding programmes. This is arguably one of the most important provisions in the Convention. The fight against doping in sport will only be successful if there are doping control programmes in every region of the world and if doping controls include no-advance notice, out-of-competition and in-competition testing.
8. In order to expand the network of countries that undertake regular drug testing and to build capacity, the World Anti-Doping Agency (WADA) has developed Regional Anti-Doping Organizations (RADOs) composed of government and National Olympic Committee representatives from the countries concerned. The purpose of RADOs is to establish effective anti-doping programmes among countries in a distinct geographical region through the coordination of testing as well as the training and funding of a limited number of doping control officers. RADOs are also responsible for results management, appeals as well as the dissemination of education and information materials. To date 10 RADOs have been established across the 91 countries from Central and South America, East Africa West Africa (Francophone countries), Southern Africa, Central and South East Asia, the Caribbean, Gulf States and Oceania. Future RADOs are planned for remaining countries in West Africa, South and West Asia, the Indian Ocean and Eastern Europe involving a further 31 countries. Through the RADO there is the opportunity for small or less developed countries to develop testing programmes whilst maximizing economies of scale, the sharing of expertise and costs.
9. While the RADO project is an effective mechanism to establish the fundamentals of doping control, additional funding is required to allow countries to undertake testing. RADO members still need to provide financing for drug testing, involving the taking of urine and/or blood samples, from their international level athletes as well as national level athletes. These doping controls typically cost in the vicinity of US\$500 per test, depending on proximity to an accredited laboratory to undertake the analysis. Accordingly, it is proposed that an allocation is made under the Voluntary Fund for this purpose. Funding for 10-20 tests per biennium would assist many States Parties to meet their obligations under Article 11 of the Convention. Moreover, any funding allocated under the Voluntary Fund would have the added benefit of reinforcing the RADO network as vital tool to expand anti-doping capacity throughout the world.

Policy Advice

10. States Parties may require assistance in the form of policy advice to develop measures to achieve the objectives of the Convention. Article 5 of the Convention provides that States Parties may need to introduce legislation, regulation, policies and administrative practices for the purposes of complying with the provisions of the Convention. The provision of high quality advice from a specialist or a consultant could therefore be beneficial in helping competent national authorities devise the

optimal approach to anti-doping within their jurisdiction. There are several policy approaches to choose from and the Convention allows flexibility in the approach that competent national authorities can take to implementation. However, the efficacy of these various approaches will depend on the existing legislative or regulatory framework and the level of direct government involvement in the fight against doping in sport.

11. There are obvious areas under the Convention where the actions of States Parties could be enhanced by the provision of high quality policy advice. Assistance would be particularly helpful with measures to restrict the availability of prohibited substances and methods in order to combat their use in sport (unless based upon a therapeutic use exemption), including measures against trafficking as well as measures to control production, movement, importation, distribution and sale (Article 8). States Parties may also benefit from advice on measures aimed at athlete support personnel, including coaches, managers, medical staff and administrators (Article 9). The rationale behind this provision is to prompt the adoption of measures against persons who may encourage and facilitate doping in sport, but can not be held accountable or penalized for these actions because they are not actual members of sporting organizations and are therefore not bound by the World Anti-Doping Code (hereinafter “the Code”). States Parties might also require advice on measures to encourage the producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including information regarding the analytic composition of their products and quality assurance (Article 10). Finally, States Parties might benefit from advice on means to 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).
12. It is, therefore, recommended that funding is made available under the Voluntary Fund to assist States Parties to introduce anti-doping legislation, regulation, policies and administrative practices. Sufficient funding could be allocated for specialists or consultants to undertake short duration projects to provide anti-doping policy advice. These projects could also be supplemented by the provision of best practice examples and supporting advice from the Secretariat.

Education Resources

13. Under the Convention States Parties undertake, within their means, to support, devise or implement education and training programs on anti-doping (Articles 19-23). The Convention sets out the specific areas that the educational programmes are to focus on, including education of athletes and the wider sporting community. At a minimum, athletes and athlete support personnel need to be informed of their rights and obligations, and made aware of prohibited substances and methods, doping control procedures and relevant aspects of the Code. However, there is already a wealth of education materials produced by WADA and competent national authorities that may be accessed by States Parties.
14. UNESCO has already prepared, with WADA’s collaboration a simple education brochure for young athletes, which is available in all six UNESCO languages. This brochure introduces young people to the issue of doping in sport as well as outlining basic aspects of the Code, including prohibited substances and prohibited methods, doping control and anti-doping rule violations. The brochure is part of WADA’s “Content Sharing Programme”, which also encompasses a number of other education materials which can be freely accessed as part of WADA’s partnership programme.

Under this programme competent national authorities, sports organizations and anti-doping agencies can gain access to, as well as co-brand, anti-doping education resources developed by WADA alone, or by WADA in collaboration with other organizations. On this basis, it is proposed that funding is made available under the Voluntary Fund to allow States Parties to translate or print existing anti-doping education resources through the WADA “Content Sharing Programme”.

Mentoring or Capacity Development Programmes Facilitated by Other States Parties

15. It is proposed that funding is made available to those States Parties with considerable expertise in anti-doping that initiate assistance programmes with other States Parties. There are a number of examples where countries with well developed anti-doping programmes have shared their expertise, at their expense, with countries that have limited experience in this domain. This assistance has often been in the form of seminars, conferences or training courses, the funding of doping controls, or the provision of policy advice and technical assistance. The Secretariat wishes to recognize the importance of sharing anti-doping experiences and expertise in building a network of capable competent national authorities around the globe and seeks to encourage further activities. Therefore it is proposed that funding is allocated for mentoring and capacity building programmes initiated by developed States Parties. This funding would serve to mitigate costs and to stimulate the development of close and productive working arrangements between States Parties.

ADMINISTRATION

16. Once the framework for allocation of the Voluntary Fund is approved by the Conference of Parties, the Secretariat will prepare application forms for the submission of projects and model documents. Activities will also be undertaken to publicize the existence of the Voluntary Fund, including the preparation of a Circular Letter to be sent to Ministers responsible for relations with UNESCO, National Commissions and Permanent Delegations. The sporting movement will also be apprised of the Voluntary Fund.
17. It is proposed that all Voluntary Fund requests should be submitted to the Director-General of UNESCO by the Member States, through the National Commission for UNESCO, or where there is no National Commission through a designated government channel. The National Commission would serve as the point of liaison between UNESCO and the Member State. Accordingly, National Commissions would be required to coordinate the appropriate agencies and consult with UNESCO regional offices in the preparation of projects proposals. They would also be responsible for ensuring that all of the required information is included in the project proposals as well as prioritizing projects and providing quality control.
18. The Secretariat will consider the project proposals forwarded by the National Commissions and WADA will be invited to participate in an advisory capacity in the decision-making process to ensure alignment with the activities of that organization.
19. A list of the projects will be prepared by the Secretariat for support under the special account. The Secretariat will be responsible for allocation of financial contributions, receipt of itemized statement accounting for the activities executed, verifying that the funds have been used for the implementation of the project and reviewing the project evaluation reports.

FUNCTIONING COSTS OF THE CONVENTION

20. In accordance with Article 18 of the Convention, the Voluntary Fund can also be used to cover the functioning costs of the Convention. The Secretariat has identified one specific area, subject to the decisions made under Item 6 "Monitoring Framework for the International Convention against Doping in Sport" (ICDS/1CP/Doc.5) where it is likely that there will be insufficient funding allocated under the regular budget of UNESCO, should the Conference of Parties express its preference for the development of a computer-based system for the submission of reports in accordance with Article 31 of the Convention. Therefore, the Conference of Parties may wish to consider allocating funding for this purpose from the Voluntary Fund taking into account, however, that a monitoring mechanism based on periodic reports from States Parties has to function regularly and in principle should be funded under the regular budget of the Organization.
21. Additional costs might be foreseen in case the Conference of Parties decides to meet in extraordinary session or an extraordinary session is convened upon the request of at least one third of States Parties under Article 28.2 of the Convention. Under these circumstances additional funding would be required to meet these costs. It is difficult to foresee that there would be sufficient funding within the 33C/5 or future Budget allocations to cover the costs of an extraordinary session of the Conference of Parties.
22. It is difficult to anticipate the need for an extraordinary session of the Conference of Parties at this stage. In principle, the changes made periodically by WADA to the Prohibited List International Standard and the Standards for Granting Therapeutic Use Exemptions can be approved and rapidly incorporated into the corresponding annexes to the Convention through a written procedure when the Conference of Parties does not meet in ordinary session. Moreover, the Convention need not be amended as a result of any changes made to the Code as this document is attached as an Appendix and is not an integral part of the Convention (Article 4).
23. The Conference of Parties may wish to consider two possible means to fund the eventuality of an extraordinary session. The first of these would be to set aside specific funding within the Voluntary Fund for an extraordinary session. This option provides certainty of funding, whilst requiring the Secretariat to carry forward funding from year to year. This would mean a significant cash holding, which might be better spent on capacity building projects. The other option would be for fundraising activities to be undertaken if, and only when, an extraordinary session is decided or requested. This option would place the onus on the States Parties wishing to convene an extraordinary session, to ensure sufficient funding exists or is forthcoming to fund the meeting.

ANTI-DOPING EDUCATION

24. There is an expectation that UNESCO would take a leadership role in the development of anti-doping education programmes given the Organization's mandate and considerable experience in the development and implementation of education programmes around the world. During the development of the Convention there was a strongly held belief that education is critical in the fight against doping in sport. Ultimately one of the keys to success will be providing quality advice to young athletes and building resilience among youth around the globe and by fostering among them, from a very young age, strong values of fairness and respect. However, there is no identified funding stream for anti-doping education activities undertaken by UNESCO.

Article 32 of the Convention recommends that the financing of the Secretariat from the regular budget is done on a strictly minimal basis which meant that no provision was made in the regular budget of UNESCO, for anti-doping education programmes. While UNESCO developed an education resource for young athletes in partnership with WADA, it was dependent on extra-budgetary funding which has now been exhausted.

25. In 2007, UNESCO hopes to develop in partnership with WADA a school-based education programme for young people to promote the development of sporting ethics and values of fairness and respect as well as to develop an understanding of the issues at play in doping and the anti-doping message. This project would consist of the development of a curriculum guide for teachers to provide them with sufficient information as well as teaching material to enable them educate students on anti-doping issues and to allow the incorporation of anti-doping subject matter into the regular curriculum. Schools provide an ideal learning environment because it is at a young age that values of fair play and teamwork are learnt and instilled. However, funding would be required from the Voluntary Fund to allow UNESCO to meet its share of the project costs. It is also proposed that limited funding be allocated for other ancillary education projects. The Conference of Parties is asked to approve funding, subject to available resources, for anti-doping education programmes.

DRAFT RESOLUTION 1CP/7

26. The Conference of Parties may wish to adopt the following resolutions:

The Conference of Parties,

1. *Having* examined document ICDS/1CP/Doc.6,
2. *Recognizing* that the elimination of doping in sport is dependent upon the development of a network of competent national authorities across the world with the requisite capacity to implement effective anti-doping programmes,
3. *Acknowledges* the establishment of a special account for the administration of the Fund for Elimination of Doping in Sport,
4. *Agrees* that the following principles and procedures shall govern the administration of the Fund for Elimination of Doping in Sport:
 - Assistance may be accorded only to States Parties to the Convention and allocated by the Conference of Parties to cover the functioning costs of the Convention and anti-doping education programmes developed by UNESCO.
 - Requests shall be submitted to the Director-General of UNESCO by States Parties, through the National Commission for UNESCO, or where there is no National Commission through a designated government channel.
 - Projects initiated by the Secretariat shall require the prior approval of the Conference of Parties.

- Each request by a State Party shall not be in excess of US\$10,000 for national projects.
 - Each sub-regional, inter-regional or regional projects submitted by States Parties shall not be in excess of US\$25,000.
 - Requests will be treated as advance payments which must be based on the receipt of a detailed work plan including the costs of the specific elements that make up the contribution.
 - Applications shall have three compulsory prerequisites. States Parties in submitting the applications must agree:
 - (i) to assume financial and administrative responsibility for implementing the project;
 - (ii) in the case of a financial contribution, to submit to the Director-General at the close of the project an itemized certified financial statement, together with supporting documentation (invoices etc), showing that the funds provided have been used for the implementation of the project and return to UNESCO any unspent balance;
 - (iii) to provide, on a compulsory basis, a detailed evaluation report on the results of the activities financed and the outcomes achieved.
 - No new financial contribution will be paid until the applicant has submitted all the financial and evaluation reports for projects previously approved and for which payments were made.
 - Each State Party may submit three requests during any biennium. These requests shall be numbered in order of priority as determined by the National Commission and which may only be changed by an official letter from the National Commission.
 - The Director-General shall give priority to projects from least developed States Parties or low income countries as defined by the United Nations Economic and Social Council's Committee for Development Policy, or projects which enhance the capacity of those States Parties.
 - A list of the projects will be prepared by the Secretariat for support under the special account. The Secretariat shall also have responsibility for allocation of financial contributions, receipt of itemized statement accounting for the activities executed, verifying that the funds have been used for the implementation of the project and reviewing the project evaluation reports,
5. *Approves* allocation of the Voluntary Fund subject to available resources, to States Parties to assist with: (1) Participation; (2) Testing Programmes; (3) Policy Advice; (4) Education; and (5) and Mentoring or Capacity Development Programmes,

6. *Requests* the Secretariat to develop the above-mentioned principles and procedures governing the administration of the Fund for Elimination of Doping in Sport as well as application forms and model documents,
7. [*Approves* funding, subject to available resources and the decision made under Item 6 (ICDS/1CP/Doc.5), for the Secretariat to develop a computer-based system for the monitoring of the Convention,]
8. *Approves* funding, subject to available resources, for the Secretariat to develop anti-doping education programmes, including the development of a curriculum guide for teachers.