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BEFORE THE COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ON THE INTERNATIONAL CONVENTION AGAINST DOPING IN
SPORT

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Testimony of Joan Donoghue

Introduction

Mr. Chairman and members of the Committee:

Thank you for the opportunity to appear along with my colleague from the White House Office of National Drug Control Policy to testify in support of the International Convention against Doping in Sport. The Department of State and the Administration strongly support the Senate's prompt provision of advice and consent to ratification of this Convention.

As a tool in protecting the integrity of international sport, this Convention will advance international cooperation on doping control efforts and will foster a fair and doping-free environment for athletes. The United States has been an active participant in and supporter of the development of this Convention from its inception.

Background

This Convention builds on the longstanding efforts of the international community to jointly develop an equitable approach to anti-doping control and enforcement measures in international competition. These efforts resulted in the creation of the World Anti-Doping Agency ("WADA") in 1999, and, with the strong support of the United States, WADA's development of the World Anti-Doping Code in 2003.

The Anti-Doping Code was adopted by WADA's Foundation Board, and accepted world-wide, at the World Conference on Doping in Sport, held in Copenhagen in March 2003. The United States played an active role in the Conference with the goal of further supporting WADA and international sport by encouraging parties to adopt and implement the Code's provisions within their own governments.

At the conclusion of the Conference, the participating governments adopted the Copenhagen Declaration, a political document whereby the participants demonstrate their commitment to WADA and the implementation of the Code in their countries. The Copenhagen Declaration further solidified the commitment of all participants to develop an international convention that

would legally obligate its parties to implement the Code and to support the efforts of WADA internationally.

The United States was one of over 80 countries to sign the Copenhagen Declaration at the World Conference; and as of December 2007, the Declaration has been signed by 192 governments. After signing the Copenhagen Declaration, the U.S. and other governments decided to utilize the forum and resources of the United Nations Educational, Scientific, and Cultural Organization (“UNESCO”) to begin negotiating the proposed Anti-Doping Convention.

Important Factors

This Convention represents the successful outcome of the United States’ intensive participation in both the development of the Convention and in the world anti-doping community generally. The final text of this Convention accomplishes every negotiating goal that the United States hoped to achieve, and it avoids the possible pitfalls that the U.S. negotiators had identified. Additionally, by embodying US undertakings in an advice and consent treaty, ratification of this Convention will demonstrate broad based support by both the legislative and executive branches of the federal government for the national and international application of the principles of the World Anti-Doping Code.

In supporting the World Anti-Doping Code, the Convention obligates each Party to adopt appropriate measures at the national and international levels to implement the principles embodied in the Code. Some of the United States’ primary objectives in participating in the negotiation of this Convention, beyond the substantive goal of promoting the purpose and principles of the World Anti-Doping Code, included:

- (1) Ensuring that the Convention did not alter the existing substance or structure of sport or anti-doping laws in the United States, especially in light of any federalism implications of national anti-doping regulation;
- (2) Maintaining the status of the World Anti-Doping Agency (WADA) as an independent and free-standing entity with primary responsibility to oversee and monitor international anti-doping issues; and

- (3) Ensuring that there was no expansion of funding requirements for the United States as a direct result of this Convention.

The negotiations met all of these objectives.

The Convention is entirely consistent with U.S. anti-doping laws and regulations. The Convention is not structured to secure changes to national law or regulation, but rather to secure commitments by parties to promote international collaboration, research, education, and their own national efforts and awareness of anti-doping control efforts. In other words, no new legislation will be required to implement this Convention. Importantly, Article 35 of the Convention specifically recognizes federalism limitations within certain Parties' national legal structures, and allows those Parties, such as the United States, to address implementation of the Convention in a manner consistent with those concerns.

The Convention also maintains the present structure and administration of WADA. There was some concern at the negotiations that the Convention would enable UNESCO or other outside influences to have a role in WADA's funding and decision-making processes. However, the final text ensures that WADA maintains its present ability to equitably address and oversee international anti-doping issues. UNESCO will have no role or oversight capacity in WADA's structure or functions. The Convention also does not change the relationship between WADA and individual national anti-doping agencies.

Finally, the Convention places no additional funding requirements on the United States. The WADA budgetary process will remain the same for all participating governments. There will be no need for additional appropriations for our participation in WADA as a result of ratification of this Convention. Similarly, U.S. ratification of the Convention will not result in any mandatory increase in UNESCO's funding. Any required UNESCO resources will come out of a voluntary fund.

In sum, the United States achieved all of its objectives in the final text of the Anti-Doping Convention. The Convention provides strong, world-wide support for the Anti-Doping Code and for a fair and drug free environment for athletes.

The Convention was adopted by UNESCO on October 19, 2005, and it entered into force on February 1, 2007. As of May 2008, eighty five countries have ratified, accepted, approved, or acceded to the Convention.

Ratification by the United States of the Anti-Doping Convention will affirm the United States' longstanding dedication to the development of international anti-doping controls and its commitment to apply and facilitate the application of these controls both internationally and within the United States. Timely ratification will also ensure that the United States will continue to remain eligible to host important upcoming international competitions.

Accordingly, Mr. Chairman, the State Department and the Administration strongly support early ratification of this treaty. The Department of State urges that the Committee give prompt and favorable consideration to this Convention. Thank you.