

International Treaty on Sport

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- "In our time and age, the milieu of sport is rapidly evolving as never before and this process has created not only new vistas for the better but also new challenges in the socio economic, cultural and legal spheres which were not considered central to the sport interaction hitherto. The new spectrum projects an unfamiliar contour of sport with added constituencies. As such, there is a growing demand for vital information in respect of the neglected areas and newly evolved constituencies. As a welcome herald, it has become the vocation of researchers in sport science to render new interpretation to existing expertise and also propound new knowledge by inter-disciplinary academic investigation.
- *In that light, the intended presentation, which is developed from the paper presented by the writer in the Sports For All Conference, seeks to stimulate debate and research for the creation of an International Treaty to ensure and promote human rights and duties for the practitioners of sport. The premise of this monograph is to instruct the importance of a legal arrangement or a regime, a Modus Vivendi, and to sketch its parameters for the uniform application of rules and regulations to promote, regulate and control sports interaction globally, as human rights is all about empowerment and emancipation.*
- It has long been the constant refrain of the IOC that the NOCs must cultivate so that they could construct a cordial relationship with their respective governments to promote the Olympic ideals. But the situation remains much to be desired. In reality, Nation States considered it imperative that any vital area relevant to the population should come within the purview of the State, whereas, the sports entity spurred by the spirit of Olympism sought to be independent and autonomous. Hence, the collision course. Consequently, the International Sports Law mainly propounded and developed by the Olympic Movement has been stymied. The need of the hour is some semblance of symbiosis.
- However, the International Sports Law constructed by bits and pieces and by dribs and drabs to suit specific occasions has developed overtime and it is improving slowly but steadily. The evolutionary trends signify the authority of the sports community over the athletes and athletic activities, thus creating mechanisms for the management and dispute resolution. It is timely to develop and refine the dormant constituency of sport - international sports law.
- *In the aftermath of the UN General Assembly Resolution which conferred observer status on the IOC, it is the understanding of the Presenter that more co-operation and synergy could be expected*

between the apex bodies for the development, refinement and the standardization of the International Sports Law, which is very rich in essence and resonance.

- *Though far be it from the presenter to proffer counsel to the apex bodies, this exercise is understandably actuated by his enthusiasm towards the UN system and the Olympic Movement. Last, but by no means least, the observations are those of the writer and in no way purport to be the official positions of organizations, research institutions and universities with which the writer has ad hoc working arrangements” - Presenter:*

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Sport -An overview

B. Houlihan, in his best seller book Sport and International Politics observed that “Sport as a major twentieth century cultural phenomenon, as an element in the globalization of culture, as a foreign policy resource, and as an area in which international relations take place, provides a rich variety of contests within which to explore the significance of sport in world politics. Such is the enormity of sport which has become a spectacle in recent times.

As sports have evolved through many stages, they have acquired many constituencies. According to Pierre de Coubertin, the Founder of the Modern Olympics, Sport is the voluntary and habitual civilization of intensive muscular effort based on a desire to improve that may go so far as to be dangerous. The European Sports Charter of the Council of Europe on the other hand, defines sports as all forms of physical

activities through casual or organized participation aimed at expressing or improving physical fitness or mental well-being and forming social relationship or obtaining results in competition at all levels. According to some Sociologists of the prestigious, National Institute of Sport, Paris, France, **sport is what people are doing when they think they are participating in sport.** This definition looks somewhat nebulous for, the position one assumes is up to the practitioner to decide whether what he does is a sporting activity or not. To illustrate the institutional aspects of sport, many thinkers have endeavoured to encapsulate the vital elements. George Magnane for one, in his publication, *Sociology of Sport*, defines **sports as a leisure activity in which the keynote is the physical effort, combining both play and work, practiced on a competitive basis comprising specific rules and institutions, and capable of becoming a professional activity.**

Although sport and physical education are generally presumed to be synonymous terms, they are distinctly separate for, physical education is a systematic programme of providing all, especially children, with the skills, attitudes values, knowledge and perception to the prolonged participation of sport. Interestingly, it is the only subject in school curriculum whose primary focus is on the body - **physical activity, physical development and health.**

When sports moved away from the confines of mere games, or an extraneous pastime, the practitioners came to form a sports society within the Nation-State borders. To recount briefly, the protagonists of sport in each country developed institutions with the specific objective of promoting and controlling sports interactions. **These national sports bodies managed to transcend Nation-State borders to achieve universality, and in the process, established international sports bodies which, while exercising full control over global sports activities, conferred a special status of autonomy on the national units. Thus, the sports society in each country has come into conflict with the vital interests of the State, creating, perhaps, an imperium in imperio-- A State within a State.** It may perhaps be noted that, when the Olympic Movement was created a century ago, its main concern was to assert the primacy of the principle of universality, and understandably, its supra national application. **Incidentally, the Olympic Movement subsists as a microcosm of the International Sports community. Functionally, this non-governmental sports entity has not only gained governmental and inter-governmental acceptance, but also, on specific instances, managed to influence and even imposed sanctions on the activities of the Nation States, in the sports arena.**

Sports disciplines have undergone remarkable changes in recent times and they have assumed many constituencies including aspects of human rights. Sports, trivial and trifling in essence though, is a glamorous component in International Relations, and in the present scheme of things, it may be perceived as **"a magnificent triviality"** that binds the global community as evidenced by many sports extravaganzas.

It is my understanding that sports being a model for egalitarianism is a practical and an effective medium on which people could be instructed in respect of rights and duties, thus acknowledging the complementarity of Human Rights.

Perhaps the most decisive force at present is the buzz word, Globalization or the process of economic and social unification of the world. Throughout history, the weak and the meek have invariably imitated the strong and the mighty, out of conviction or compulsion. Great religions and wars of conquest indeed brought about a modicum of unification but fell short of being globalizing forces. Thus, it was left to the International trade to succeed, where religions and imperial wars have failed. The economic and technological advancement of the West has created, there, a power centre. Consequently, Globalization has perforce to be a process of Westernization. The International trade, coupled with investment and technology, has become the dominant forces of Globalization, making several, if not almost all, countries inter-dependent, thus bringing them much closer than ever before. But the concept of Sports Internationalism, by analogy, is aptly equivalent to Globalization in the realm of sports. **Unlike the concept of globalization which survived many an assault, by suspicion and skepticism, the dogma of universality of sport slowly but steadily unified the sporting community and it has become relevant, even to secure the contradictions caused by the end of the cold war.**

It may perhaps be noted that although the sports community has extended itself far and wide, the world over, there is no single entity that governs sport interaction globally. There are several sports disciplines and they are governed by the respective sports federations. In recent times, workable arrangements have been established to encourage coordination among these units and the Olympic Movement figures therein prominently. **Not so infrequently, issues in respect of administration, eligibility of participants, awards and disciplinary matters have surfaced causing much concern. To grasp the essence of the structural arrangements for dispute resolution in the sport arena, one has to have a good understanding of the subject of sports law and the area of its operation.**

Human Rights - Retrospect and Prospect

None of the ideologies that dominated the entirety of this century is as pervasive and persuasive as Human Rights, which extol the dignity and the worth of the human person. The development of Human Rights is one of evolution. A concern for Civil and Political Rights which contributed to the conceptualization of Human Rights in the Eighteenth Century, was followed by a demand for Economic, Social and Cultural Rights. Now, a Third Generation of Human Rights involving such global concerns as Peace, Environment, Development, Poverty and Common Heritage has been recognized. To recount briefly, there has been an incremental development of Human Rights in recent times the world over, and this aspect became more pronounced following the dissolution of the cold-war configuration and the healthy transition to a democratic way of governance in Eastern Europe. This resurgence of positive attitude towards the protection and promotion of Human Rights has added a new dimension to the development of International Law. **The classical concept that governments treat their citizenry as they wish, has lost resonance and even so powerful a notion as the inviolability of borders - the essence of State sovereignty - gave way to growing**

insistence that the most extreme abuses cannot remain immune from humanitarian intervention. Reflecting on these developing trends, it seems likely that in the new millennium, not only personal relations and social contracts, but even International Relations are going to be governed comprehensively by Human Rights.

HUMAN RIGHTS-- What indeed are they?

The concept of Human Rights is too vast and varied a subject to render possible a definition in a nutshell that will incorporate all the attributes. For the purpose of this presentation, a definition given by the United Nations will suffice. "Human Rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings. Human Rights are those requirements that allow us fully to develop and use our human qualities of intelligence and conscience, and to satisfy our spiritual needs. They are based on mankind's increasing demand for a life in which the inherent dignity and the spirit of each human being will receive respect and protection - an idea that reaches beyond the comforts and conveniences that science and technology can provide. Implicit in the Universal Declaration of Human Rights is the idea that rights cannot be exercised without restriction when their exercise would interfere with the rights of others. Human Rights are universal and apply to all persons without discrimination and the protection of Human Rights is an obligation *erga omnes* - not only national, but also international. Besides the UN Charter, which provides the base for human rights, the International Bill of Human Rights comprising the Universal Declaration of Human Rights and the two International Covenants on Civil and Political Rights, and on Economic, Social and cultural Rights has identified and recognized a series of specific rights in the most explicit terms.

Development of Human Rights

The idea of human rights is found in almost all civilizations and it is conceived as it were, in different terms in the long history of mankind. However, the stoic philosophy was the most conspicuous element in the history of the development of human rights. In the continuum of time, many landmark incidents refined the contours of human rights and paved the way for the further development. In brief, in England, **Magna Carta** of 1215 guaranteed to its citizens freedom from imprisonment or from dispossession of property and freedom from punishment unless by the lawful judgment of his peers or by the law of the land. The tussle between the king and his subjects resulted in the execution of one Monarch and the expulsion of the other, Charles the 1st and James the 2nd, giving way for natural rights over the divine rights of the king. The English Bill of Rights after the Glorious Revolution named the right to trial by Jury and prescribed that there should be neither excessive bail nor excessive fine, and outlawed all cruel punishments.

The idea of natural rights toppled, if one might add, the regimes of George the III and Louis the XVI. The American Declaration of Independence and the French Declaration on the Rights of Man gained

universal significance as testaments of highest standard in statecraft. In the 19th and 20th centuries, many important declarations further enhanced the importance of human rights. Besides the UN Charter, the Universal Declaration of Human Rights and the two Covenants constitute the core of the international legal framework for the promotion and protection of human rights. The optional protocol of the governance on the civil and the political rights is an important landmark, as it affords an individual, the right to petition the UN committee. The International Criminal Court under the Rome Agreement, which deals with Genocide, war crimes, and crimes against humanity, has opened the way for further realization and refinement of human rights.

Raison d'être of Human Rights

Man, unlike animals which have specialized organs to protect themselves, has no physical defences in his own body; hence the vulnerability to external incursions. This vulnerability gives a special urgency for protection. Social Scientist, David Hume, once summarized, the predicament of man so succinctly when he said “**of all the animals with which this globe is peopled, there is none towards whom nature seems at first sight, to have exercised more cruelty than towards man, in the numberless wants and necessities with which she has loaded him and in the slender means which she affords to the relieving of these necessities**”. Secondly, the important trait of *homo sapiens* is that he unlike bees and ants which each plays a particular social role conditioned by instincts, has independent impulses and contriving minds. As such, man by necessity, has to protect himself not only from animals but more significantly from his own fellow beings. As history records, man has to live in a society as a unit; as such, society either implicitly or explicitly defined and practiced certain rules to maintain order, and to encourage peaceful co-existence. The rationale or the justification of this arrangement is based on physical survival and dignity in existence. To expatiate this further, it is very likely that in a society, a man's self- prestige and reasonable aspirations may come into collision with those of others, and in such an eventuality, a compromise has to be reached, where each one's natural needs and reasonable claims could be demarcated. Empirically, governments in modern times, have through a social contract, define the rights and obligations of its subjects and at times have, under the guise of social welfare assumed more powers which might undermine the enjoyment of human rights. Against this backdrop, there ought to be a guarantee to protect these citizens against the violations of their rights by the State and its instrumentalities; hence the justification of Human Rights.

Olympism and Human Rights

Ancient Olympism based on the Greek philosophy, *Mens Sana in Corpore Sano* or healthy mind in a healthy body encouraged people to take part in a blend of sports, art, educational and cultural activities in order to develop and enhance their physical, intellectual, moral, cultural and aesthetic abilities.

The Founder of the Modern Olympics, Baron Pierre de Coubertin realized for one thing, that sports could be an ideal means to develop the individual's mind, body and morals, and further, to inculcate a sense of discipline to lead a harmonious co-existence with his fellow beings. For another, he visualized the Ancient Olympic format as a good arrangement to enlighten people on the importance of promoting peace the world over. To encapsulate these aspects, he defined **Olympism as a philosophy of life, exalting and combining in a balanced whole, the qualities of body, will and mind. Blending sport with culture and education, Olympism seeks to create a way of life based on the joy found in effort, the educational value of good example and respect for universal fundamental ethical principles.** By this what he intended was, an ardent spirit in a trained body - *Mens fervida in corpore Lacertoso*. **By blending sports with cultural and education, Olympism seeks to promote a way of life based on:**

1. The balanced development of body, will and mind.
2. The educational value of being a good role model for others to emulate
3. The joy found in effort
4. Respect for universal ethical principles such as generosity, unity, friendship, tolerance, respect for others and non-discrimination.

To be more precise, Olympism seeks to encourage the individual to be a perfectly developed and well balanced human being, a role model, to be more precise. It is a form of education involving body, mind and spirit. Interestingly, sport can make vital contribution for the development of education. It teaches everyone to be self-reliant and encourages one to be considerate towards others. Sport is the only human interaction where one can find an outlet for the natural aggressive instinct and at the same time, learn by experience and exposure, the cardinal requirements of human rights, tolerance, and probity and above all, the respect for others.

To society, Olympism is perceived as a vehicle for promoting and fostering universal peace, fraternity, understanding and sports internationalism. Sport can be a workable alternative or an acceptable substitute to many social evils resulting from low - esteem, poverty, juvenile delinquency and social exclusion. Sport is also a catalyst for human resource development. It offers abundant means and avenues to impose self-expression, capacity to meet challenges and invariably to physical, moral and social development.

Olympism has a clear message for the Nations to follow. The concept of Olympism or rather the revival of the Modern Olympic Games had a causal connection with geo-politics, to mean that, the Nations at war in Europe displaced peace further away, and the desire for peace eventually found expression with the formulation of Olympism, if one may say so. To reconstruct one of the vital courses of events that paved the way for the revival of the Modern Olympic Games, the Franco-Prussian war brought the Second Empire to an end in the wake of the comprehensive defeat of France in the Battle of Sedan: Mac Mahon's plan to relieve the French Rhine Army besieged in Metz was foiled. Though the burning desire to avenge the defeat figured prominently in the mind of Coubertin, as was to be expected of a nationalist, he was increasingly drawn by subsequent events to the humanistic visions of a

peaceful world. He contended that the political message Peace, could be turned to reality with the idea of sports internationalism.

OLYMPISM - A HOLISTIC PHILOSOPHY

In the context of modern pedagogical parlance, Olympism could be described as a methodology employing sport for the education of youth in appreciating, among other matters, human dignity, and understanding ethical values. If the Greek civilization was a cradle of many facets of knowledge and events, more particularly the Ancient Olympic Games; if the British were the pioneers of modern sport; or if the Italian Renaissance paved the way for the significant expressions of sports in art, literature, and sculpture, then the concept of Modern Olympism, propounded by Baron, Pierre de Coubertin is the gift of the French civilization to the youth of the world.

To understand the nuances of Modern Olympism in its totality, a sound knowledge of the historical background and the personal culture of the Founder becomes imperative. Coubertin is the product or the legacy of the Graeco - Latin culture, and understandably, he was a Stoic at heart and naturally he was influenced by Stoic Humanism. His philosophy is existential and drawn from Ancient Greek philosophy, Christianity and Western Democratic traditions. All along in his search for suitable arrangements for human interactions, this philosophy was uppermost in his mind. That is, the Stoics face the challenges and shape their inner character. This humanistic philosophy is not an anthology of moral principles for a specific time frame, or for a specified purpose. Rather, it is a frame of mind intended to be universal and for all times.

It is a well- modulated arrangement requiring vigorous training of body and mind in order to face the challenges of the world boldly, and in a pragmatic manner, in the same way Stoic humanists conducted themselves at times of uncertainties and apprehensions. This vocation could also be considered as a way of life or even as a religion of the protagonists of sport, but quite differently from the concepts and dogmas of popular religions. When he defined Olympism as ***religio - athletae***, he meant or visualized a pagan form of relationship between man and God implying spiritual enlightenment. His perception in respect of the desired frame of mind, signifies the transformation of the personality, resulting in the exemplification of excellence, and the personification of endurance. This perception supported his view that only a person good enough to go through this strenuous and tedious process could be a model to promote worthy causes of humankind.

Reflecting on the historical aspects, the first constituency of the Founder was peace. When France was defeated in the Battle of Sedan, he found to his dismay that the French were far behind in muscle and resolve. The ruling class was not inclined to grant a fair degree of freedom to the youth, and sport pedagogy was totally absent in the intended reforms. The economy and political arrangements were in such complete disarray that any prospect of reforms coming from within looked somewhat bleak. He, being a member of the nobility by tradition, had reasons to be annoyed, more so, when he had a say and a stake in the reformation of social systems. He found in England during his expeditions that Muscular Christianity provided the much - needed

impetus to the sport fabric in England after the apparent puritan indoctrination. More pointedly, reformers like Thomas Arnold transformed and transmuted sport as a pedagogical tool to impress upon the need to heighten individual responsibility and social cohesion. Although this Victorian idea inspired Coubertin, he realized that without a well-defined educational basis, any format would be reduced to the level of gladiators. As such, he looked for the Ancient Olympic idea to fill the breach. He intended to provide a permanent philosophical profile to sport lest its constituencies be impaired or ravaged by any possible contradictions of the ensuing civilizations. Like most of the philosophies, whose premise has been the human being, Olympism too focused on the same aspect, stressing man's personal development and ethical values. Since his novel philosophy involved man, society, and Nations, he employed the two related disciplines of behavioral science, psychology and sociology, along with historical observations for the formulation of the dogma.

Olympism and human rights could be considered as the two sides of the proverbial same coin. Both seek to promote ethical values. The goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sports practiced without discrimination of any kind and in the Olympic spirit which requires mutual understanding with a spirit of friendship, solidarity and fair play. Human Rights is essentially about equality and non-discrimination.

EQUALITY refers to the principle on which human society ought to be or might well be based, but regrettably, this approach is seldom applied perfectly in inter-personal relations. The principle of equality which constitutes the bedrock of settled principles of justice, contributes to the welfare of every individual in particular, and society in general. The entirety of the agreements and deliberations of the UN, the whole corpus of texts compiled, and the profusion of writings by liberal thinkers, they all emphasize the importance of equality. But in reality, this has been seen more in the breach than in the observance.

In the arena of competitions, the Olympic Movement has evolved the concept of meritocracy, as a moral justification of sport. Competitive sports, to be precise, and concise, are based on a hierarchy established on individual merit, which is assessed in relation to the legitimate and determined efforts of the competitors. Needless to say, the IOC is fully confirmed in its resolve, to impress upon those concerned that **means are more important than the end**; hence, a clear taboo on the introduction of anabolic steroids which enhance the performance of participants. These principles are further institutionalized with the creation of the Court of Arbitration for Sport (CAS) which is empowered to grant dispensation of justice or rather to safeguard the fundamental rights of the participants in the domain of sport. According to the recourse procedure, any one, whether it is an individual, an accredited sports organization, or a corporate entity which has a causal connection with sport, may use the services of CAS for the resolution of sports-related disputes by arbitration. To facilitate requests from all over, decentralized courts have been inaugurated. In sum, it is obvious that the mandate and the philosophical profile of the IOC are to safeguard the mental and physical integrity of the participants, and also to provide

a base that will help them in reintegrating themselves into a healthy social, and professional life after their career in the field.

NON - DISCRIMINATION, which is derived from the principle of equality and dignity, brings to the fore, the worth of the human person. Discrimination reduces a person to a position where one's full potential and inherent diversity get greatly imperiled. Discrimination in the popular usage and as expressed in most of the UN texts, refers to the **"denial of the fundamental and universally accepted rights of all human beings to persons or group of persons who are excluded."** Discrimination is essentially based on such particularities as race, colour, gender, and religion. The attributes mentioned above are by no means exhaustive, as new grounds for discrimination are constantly evolving. It is pertinent to record here, that the concept of Olympism delineates the principles of equality and non-discrimination. To recount, the founder of the Olympic Movement, Baron, Pierre de Coubertin, commented in the early part of the last century that **"a sporting record is the limit reached by a man by combining the strength he was given by nature, with the strength he has developed by force of character. His position in society, his name and fortune he has inherited from the family have nothing whatsoever to do with it. Whether he is a prince or an artisan, this will not enable him to jump any higher or run, swim, or row further in a given time"**.

The year 1996 was ***Annus Mirabilis*** for the IOC. After the Paris Conference generally referred to as Centennial Olympic Congress, the IOC added a provision to the Olympic Charter which says that the **practice of sport is a human right. Every individual must have the possibility of practicing sport in accordance with his or her needs.** It must be pertinently noted that although this provision had been enshrined in the IOC Charter, nothing substantial has been done by the IOC to promote human rights for the participants or in the academic sessions conducted by the IOC. Furthermore, the Article 6 of the Charter, observes, that **"The goal of the Olympic Movement is to contribute to building a peaceful and better world by educating youth through sport practiced without discrimination of any kind and in the Olympic Spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play."**

The activities of non-governmental organizations in the field of human rights have been very important and which have ranged, in the first instance, from information gathering and processing, with the view to disclosing human rights violations by States, to lobbying of National governments and international organizations in order to influence or control relevant polices. Furthermore, they have become increasingly involved, sometimes in cooperation with governmental organizations in the complex machinery of law making and law enforcement (Donnelly, Santos and Bartolomei). There are a number of examples in the participation of the NGOs in international human rights law making process, for instance, the contribution of Amnesty International and International Human Rights Movement in the development and adoption of the **UN Declaration on Torture and UN Convention against Torture (1986)**. Certain NGOs working in the defense of Children, made notable contribution to the drafting and shaping of the **UN Convention on the**

Rights of the Child” (Bianchi and Bartolomei). In this context, it must be mentioned that the IOC is the first ever civil society organization that introduced Human Rights in the domain of Olympic Sports. Credit should also go to international non-governmental organizations such as Human Rights Watch and Amnesty International for the efforts they made to highlight human rights violations in certain countries using major sports competitions as a platform.

HUMAN RIGHTS PORTFOLIO

There were no specific provisions until recently, in the IOC Charter, in respect of Human Rights. The IOC incorporated Human Rights accordingly in its Charter, not only to keep abreast of current developments the world over, but more importantly, to concentrate its focus on the protection and promotion of Human Rights as a core institutional value. Furthermore, the IOC perceived this provision as complementary and mutually supportive of the existing global arrangements for the development of Human Rights. This is a holistic and integrated approach, as it were, to the actualization of Human Rights. The whole corpus of Human Rights places accent on equality and non - discrimination which are inter-related. The arrangement designed by the IOC for competitive encounters and related interactions, right from the start, reflects the core values of equality and non - discrimination. The competitive regulations encourage all to participate in a spirit of equality and mutual respect. To be more precise, the participants, irrespective of any ascribed status are placed on the same footing and are instructed that the means ought to justify the end. It goes without saying, that, ruses, more pointedly, performance enhancing substances are strictly prohibited, as they not only run against the very grain of accepted norms but also, make a mockery of competitive sport. Coming to the subject of discrimination, the IOC is resolved in its conviction that such a disparity is unacceptable, to say the least. When Pretoria followed the policy of Apartheid, the IOC used coercive diplomacy to sanction the regime, and when Pretoria agreed after many years to recant, the IOC employed cohesive diplomacy to bring South Africa back into the IOC fold, much to the delight of the sporting fraternity.

Human Rights & Sports in the UN System

As is well known, leisure and sports owe their existence to the Industrial Revolution and the concomitant changes that it brought in its train for relaxation and recreation. Given the tremendous emotional attachments, and the whopping monetary investment in sports, one could rightly expect it to be a major focus for sociological enquiry. Realizing the importance of the development, the UN system has adopted Human Rights Laws to address this constituency - Sport. UNESCO has for many years taken the lead in giving a concrete meaning to the right to participate in cultural life as enshrined in Article 27 of the Universal Declaration of Human Rights. In 1966, the UNESCO adopted and proclaimed the Declaration of the principles of international cultural co-operation which sets out a series of principles to serve as guidelines for

governments to follow. Moreover, in 1978, the UNESCO International Charter of Physical Education and Sport declared the practice of physical education and sport as a fundamental right.

Furthermore, a child's right to play is enshrined in Article 31 of the Convention on the Rights of the Child, which recognizes "the right of a child to rest and leisure, and to engage in play and recreation activities appropriate to the age of a child." This Article continues stating that not only do children have the right to play, they also have the right to the provision of the opportunity to play, requiring States to "encourage the provision to a appropriate and equal opportunity for cultural, artistic, recreational and leisure activities"

Several other United Nation instruments also acknowledge the importance of access to and participation in sports, such as the Convention on the Elimination of All Forms of Discrimination Against Women. Similarly, ILO Conventions No. 138 & 182 concerning child labour require governments to establish policies for the rehabilitation of child labourers. Here, sports are considered as an effective policy tool. In spite of these international instruments, the right to play and sport is often denied. In many cases this is because of discrimination, particularly by gender and ability. It is also frequently due to political neglect of the importance of sports in society, exemplified by the decline in spending on physical education and the lack of appropriate spaces and resources necessary for sport (Sport for development and peace - UN)

SPORTS LAW

Evidently, rules and regulations govern almost all the human endeavours and interactions. In the same breath, sports being the most glamorous socio - economic phenomenon are understandably controlled by regulations. As such, the Law of Sports has become by necessity, a branch of law. Since competitive sport is essentially zero- sum, it has to be governed by strict rules to ensure fair play and probity. Therefore, sports law could be described as a mechanism to impose societal control in the domain of sport. Thus, it is the codification of the rules of the respective sports disciplines as well as administrative fiat which regulates the structural arrangement designed for the practice of sport. Seldom, do these rules of the games or the administrative structure seem inadequate to impose a modicum of control. In such circumstances, the law of the realm becomes applicable in the sports community.

The world-renowned exponent of Sports Law, Prof. Dimitrios Panagiotopoulos, who graciously supervised and reviewed some of my research briefs, explains this field of study in a more plausible way. He has this to say, "Sports Law could be defined as the law which determines the frame of the legal regulations developed in sports as well as the problems arising out of sports activities which are governed by a special legal regime. It is the legal framework which attributes a specific character to sports activities. The specificity resides in the social and pedagogical aspect, honesty and fair play,

fair competition, as a form of education and civilization. The relationships that bind sports cannot be conceived without a legal framework determined by sports law".

Sports law as a serious concept is of recent origin and it is fast developing into a rigid framework to control, regulate and encourage sports activities. It is also slowly, but steadily growing to dispense sports justice. Sports law as a mechanism of social control in the field of sports is as old as sports itself, as it may have been known or operated by different nomenclatures at different periods of time. Most of the sports, more particularly the popular ones, embody the ancient Greek Philosophy of a healthy mind in a healthy body. Athletic prowess symbolized the purity of the internal balance and the rules are defined so as to guard the integrity of the athletic competition. Central to this athletic competition is the undertaking that the participants agree to compete within prescribed rules and regulations.

In the ancient era, on the first day of the Ancient Olympic Games, the competitors would swear by the God Zeus to obey the rules and compete fairly. Penalties for the violations of the rules were meted out by the Elean judges. Not all rules were enforced by the judges, and sometimes, even the official corps of the whip-bearers maintained order among the spectators.

The Roman perception of sports bore no meaningful resemblance to the rules which the athletes had represented during the Greek era. The popular gladiator battles were essentially staged to satisfy the insatiable thirst of the spectators for brutality. No court of justice or administrative structure regulated the conduct of the gladiators. There was only the voiced approval of the mob, to be sure, Caesar's single arbitrary thumb gesture controlled the entire proceedings.

Today's sports events are quite different from the sports of antiquity. The Law of sports in the current context has grown to embody the interaction between the rules of the competition and the laws of the realm. The practitioners of sports use sports for a variety of reasons, such as recreation, competition and even as a profession or means of livelihood. In the above categorized interaction, rules specific to the disciplines together with the administrative fiat have been used to impose a modicum of control, but in rare circumstances, where the arrangements are inadequate, the law of the realm would apply, on the plausible grounds that the State has a particular duty by the people as a whole. Thus, it will be interesting to examine how the national laws intervene in the practice of sports. In recreation, the rationale of intervention is safety for oneself and others. In England, a child under 14 years of age is required by law to wear a protective helmet to ride a horse on the road. In the competitive arena, the moral of the intervention is multi-faceted. In Europe, in many countries, laws are enacted by the respective States to ensure the safety of the spectators. In many instances, soccer fans were extradited by countries and punished for soccer hooliganism. It is generally unlawful to discriminate against anyone in sports on ascribed status. The policy of Apartheid is one such discrimination. As such, State Laws become applicable whenever there is any form of discrimination in the sports arena. Sensing the development of sports as a profession, States have made legislative arrangements to monitor the emerging trends. **As USA is the**

pioneer of professional sports, many laws by the government have been designed to monitor the new constituency. The doctrine of restraint of trade is made to apply to contracts concerning professional sports. The collective bargaining process which is applicable in sports leagues has strengthened the bargaining positions of players. Even the anti-trust laws give protection to players against the monopolistic designs of the administrators. **The European Community law in a novel way has provided for a single European market, which guarantees the freedom of movement for the people in the region to seek employment beyond their Nation State borders without any restriction. Thereby, professional sportspersons are at liberty to render their service or practice their profession in other Nation States within the region, without subjecting themselves to any transfer regulations, their employers may elect to impose. Further, the Treaty of Lisbon 2009, has provided sport with a legal basis for the first time ever, "encouraging its social and educational function, and fairness and openness in sporting competitions".**

Analyzing the subject of Sports Law from a different perspective, in countries with common-law tradition, there is no sports law as such, but it is really the application of the general principles of law such as, laws of contract, of employment, of administration, of intellectual property, or in relation to constitutional law. However, the Sports Law has found expression in the Constitution of some countries. In countries like Spain, Portugal and Greece, Sports Law is incorporated in their respective Constitutions, whereas, in countries like France, Belgium and Luxembourg, there are fundamental laws for sports. Countries like Norway, Sweden and England differ distinctly from the above two categories of countries. In these latter countries, Sports is left to be handled exclusively by the Sports Federations themselves, and they enjoy a measure of autonomy. In Italy, a special law governs the function of the Italian National Olympic Committee.

Since sport has become a global concern with significant monetary considerations and enviable prestige attached, International Sports law has grown to monitor the development created by sports interaction. An eminent authority in sports law and one who initiated me into the exciting intricacies of International Sports Law, Professor James AR Nafziger, defines International Sports Law "as a more or less distinctive body of rules, privileges and procedures that govern the political and social consequences of transnational sports activity." According to him, the much-neglected field of international sports law is changing rapidly. This sports law, which the Olympic Movement, in the main, cultivated over time by bits and pieces, has assumed a definite shape with specific and well-defined direction. The salient features of the regime are the uniform authority over athletic activities and improved mechanism for dispute resolution and dispute avoidance.

PROPOSERS OF INTERNATIONAL SPORTS LAW

Amidst the multiplicity of sports organizations globally, there exists a power structure, namely the Olympic Movement with considerable consequences. The International Olympic Committee, which is the putative custodian of the Olympic Movement, rests at the top of the

pyramid system well supported from down by the Organizing Committees of the Olympic Games, International Sports Federations, National Olympic Committees, and recognized bodies of the IOC, thus completing the picture of the Olympic Movement. In furtherance of its objective, it enacts rules and regulations which invariably permeate the boundaries of the Nation States. Although these rules do not demand the compliance of the countries, in a way, they determine the conduct of the countries implicitly. Thus, the system propounds customary sports law applicable the world over. Besides the Olympic Movement, there are some inter-governmental organizations such as the UNESCO, the Council of Europe and the Commonwealth Federation which enact and enforce international sports law. These organizations recognize the Olympic Movement and use its fundamental principles for formulating new arrangements so as to give expression to their system. The UNESCO's involvement and approach is a case in point. Based on the Olympic Ideals, the UNESCO in 1978, adopted the International Charter of Physical Education and Sport, giving guidelines for national and international application.

To implement the principles of the Olympic Charter and to engage Nation States in that regard, the UNESCO created the Inter-Governmental Committee for Physical Education and Sports. Furthermore, it organizes the annual world conference of sports ministers. As the UNESCO's main thrust is on education, it uses its structural arrangement to educate on fair play, non-discrimination, non-violence and rejection of substance use. All the regulations in respect of the UNESCO's mandate automatically gain international acceptance. Incidentally, the UNESCO, to cement the relationship with the IOC, has entered into co-operation agreements, and all the provisions in the agreement invariably become the sources of international sports law.

ISSUES

The most common forms of disputes that generally affect the domain of sports are agreements involving sports persons, and they are essentially disciplinary inquires. Dispute resolution is generally effected efficiently by ad hoc directives and administrative fiat. This mechanism was sufficient enough to impose and instruct a modicum of societal control within the sports society. With the introduction of commercialism into the realm of sports, issues relating to Intellectual Property Rights, Sponsorship Agreements and other related commercial disagreements have surfaced. Furthermore, the issues even had geo-political implications to Nation States. To describe briefly the thicket of issues that afflict the sports society, it is part of prudence to encapsulate such issues under different categories. With the advent of the satellite and telecommunication revolution, sport has become somewhat a spectacle involving whopping sums of money. From the point of view of sports persons, it involves livelihood, and issues relating to it impinge on fundamental human rights. Secondly, organizing sports events could generate a lot of commercial activities in a country, and any dispute in relation to it, will no doubt affect the country's economy and commerce. Socially, issues relating to violence of spectators, doping and discrimination on the basis of any ascribed status may also loom

large. Politically, issues regarding diplomatic recognition of States, demonstrations and boycotts to espouse political ideology are bound to crop up. Interestingly, the principles involved in the resolution of the conflicts by the sports community are taken as customary international sports law with global application.

THE PROCESS OF DISPUTE RESOLUTION

In the civilized world, our involvements in private and public life are conditioned and governed by a plethora of regulations. In the event of any serious disagreements or conflict of interests among people, which almost always occur, these issues are referred to appropriate courts by the State machinery for resolution, as the findings help to reinforce the orderly conduct of people in societies. The laws involved in, and the norms connected thereto are so extensive, that it is unreasonable to expect judges to possess universal knowledge, although exhaustive knowledge is of vital importance to proper administration and effective dispensation of justice. Just as much as every one of us has an aptitude for a certain job of work, although we are capable of attending to many matters, so have judges a selective aptitude for certain branches of law. To derive maximum advantage, each one of us is assigned a certain type of work where the comparative cost advantage is high.

This division of labour leads to specialization. Likewise, different Courts have been instituted to hear issues connected with various branches of law, specialized judges being at the helm. This arrangement is made in order to meet the requirements of the effective administration of justice. The logic and the dictates of pragmatism notwithstanding, some jurists concluded that all matters relevant to law should be governed by a rigid system, and no special Court is required to handle different branches of Law. Professor Dicey contended that the Rule of Law in the strict sense prevailed only in Britain. His reference, I am afraid, is not a strong proposition to stand scrutiny as the growth of the French *Droit Administratif* and the Continental System of Administrative Courts permeated the fabric of the English Legal System. The transference of issues more and more to the Tribunals has become more the rule than the exception. Disputes are settled expeditiously and less expensively, by persons with special knowledge and intimate working in certain subjects, not hampered by rigid legal procedure or common law rules of evidence and without departing from the Rules of Natural Justice. Quasi Judicial decisions are arrived at more in the spirit of the law than in the letter of the law.

Sports, being a rule-bound competitive zero-sum activity, with Socio-Economic importance, have its own rules and regulations. And thus, the Law of sports, a fortiori, could be classified as a branch of Law. Prudence dictates that this branch of the Law must be left to the specialists who are well-informed in both attributes - **Sports and Law**. Thus, one could safely hazard a guess that these experts, with their knowledge in law and sports will be better qualified and equipped to settle disputes related to sports than will ordinary judges be. It follows that a separate law and a separate Court will be more effective for handling sports in the right perspective. This line of thinking has been

supported by many sports administrators, sports analysts and not a few judges themselves.

However, in an isolated instance, an American Court seemed to have been opposed to this thinking as illustrated by the decision in Reynold's case. To recount, the ace American sprinter, a silver medalist in the Seoul Olympics was debarred from competition after a positive drug test in 1990 in Monte Carlo. In 1992, a District Court in Colombia, Ohio, U.S.A., awarded damages running to huge sums of money against the International Amateur Athletic Federation (I.A.A.F) over the same drug-related ban, giving an impression that sport is not above Law and internal disciplinary procedures of sports organizations and their findings are not acceptable in Law. However, in the absence of further decisions along this line of thinking as far as my memory stands me in good stead, one could suggest that the American Courts appear to be reticent in discouraging or interfering with the working of the judicial organs of the sports institutions. On the other hand, decisions by the British Judges unequivocally favoured the findings by the disciplinary body of sports organizations. To rehearse, the English Court of Appeal dismissed a challenge by the Aga Khan against the British Jockey Club's disqualification of his 1989 Oaks winner. Although the Jockey Club was a non-statutory private body, it controlled the whole of the Racing Industry in England. It was concluded that its powers were sufficiently governmental even though their powers were not derived from any legislation. The Courts accepted that the sports body acted fairly and reasonably, and within the terms of their own Constitution and disciplinary procedures. In another land mark decision, concerning the British Boxing Board of Control, the Judge said:

*" I think that the Courts must be slow to allow any implied obligation to be fair to be used as a means of bringing before the Court for review, honest decisions of bodies exercising jurisdiction over sporting and other activities which those bodies are **far better fitted to judge than the Courts...***

*"The concepts of natural justice and the duty to be fair **must not be allowed to discredit themselves** by making unreasonable requirements and imposing undue burdens...*

*"Bodies such as the board (British Board of Boxing Control) which promote a public interest by seeking to maintain high standards in a field of activity which otherwise might become degraded and corrupt, **ought not to be tampered with in their work without good cause.**"*

The current impression being what it is, the pronouncements of the British Judges not only gave credence to the belief that Sports Law must be handled by the experts relevant to it but also confirmed the efficacy of the Sports Organizations' Judicial Institutions in handling sports-related disputes. Further to the advantage based on competence, there are other factors that support the growing perception that resolution of conflicts in sports must be left with the organizations themselves. Many sociological surveys have shown that it is not so much the quality of justice in many countries that is causing much concern, as the inordinate delay in meting out justice. Already saddled with the responsibility of having to dispose of the heavy backlog of law-suits registered, the ordinary courts will find it rather tedious to cope with a

copious inflow of sports issues. Moreover, in no other field does the maxim "Justice delayed is justice denied" appear more appropriate than in sport, as sports issues have perforce to be decided quickly than other issues, as the context in which a decision is taken will change constantly. Evidently, more often than not, a career of a sport person, particularly the most productive phase, does not extend itself for long. Such being the general trend, it is imperative that issues relating to sports ought to be resolved as expeditiously as possible. The above line of thinking coupled with many practical difficulties in the resolution of disputes led to the conceptualization of arbitration of disputes in the domain of sport.

DUTIES IN THE DOMAIN OF SPORT

Human Rights and Duties are inter-related and not mutually exclusive. As such, the framework for the protection and promotion of human rights incorporates duties as a vital cog. It is universally accepted, and rightly so, that human rights could only be meaningful, provided they are exercised in a prudent manner with due respect to the reciprocal rights of others. Notwithstanding this part of prudence, the inordinate priority granted to the assertion of rights, and the callous disregard towards one's obligations conditioned by self-interest have obviously obfuscated the significance of duties in human interactions.

Although the relationship between sport and human rights is not so well pronounced in the area of competitive sport, the principles of equality and non-discrimination, the rights of vulnerable groups and the sanctity of the global concerns have given a new dimension to sport interactions. Surprisingly, duties which are bound to go *pari pasu* with rights have been given short shrift, despite being rich in resonance.

To focus the related importance of duties, and by extension, to impress upon those concerned in that regard, an enunciation of the contours of the concept of duty will be, by any standard, fitting and felicitous. The term duty is defined in Black's Law Dictionary as a **human action which is exactly conformable to the laws which require us to obey them.** This term could be defined in many ways. It may be defined loosely as an obligation to do something in return, or to refrain from so doing something. The norms, which form the basis of the duties of an individual to the community, are expressed in the Articles 29 and 30 of the Universal Declaration of Human Rights. The former spells out the principles of duty, while the latter describes the applicable norms, which govern its interpretation.

The Article 29 explicitly states that everyone has duties to the community in which alone the free and full development of his personality is possible. The Article 30 stipulates that nothing in the Declaration may be interpreted as implying for any States, Group or Persons any right to engage in any activity or to perform any act aimed at the destruction of any of these rights set forth herein.

Thus, both these Articles form the basis for the proper understanding of human rights and duties. Furthermore, the fifth preamble paragraph of the International Covenants stresses the importance of the duties of an individual, and clearly requires that the individual having duties to other individuals and to the community to which he belongs, is under a

responsibility to strive for the promotion and the observance of the rights recognized in the Covenants. The term Community incorporates all the people living together, from the smallest unit to any group of Nations. Nations with common ties actuated by noble ideals in the global context constitute the world community.

ETHICS IN SPORT

The English and the American Puritanism which remained as synonyms with spoil sport, finally collapsed, giving way to the development of ethics in sport. Verging towards the end of the 19th Century, many Muscular Christians such as Cardinal Newman, Charles Kingsley, and Thomas Hughes propounded many normative values for the edification of sport. By the fag-end of the 19th Century, Pierre de Coubertin, the founder of the Modern Olympic Movement, gave his own philosophy of sport at the Sorbonne University Congress in the following manner: **“For some, training was to defend the fatherland. For the others, the quest for physical beauty and health is an easy equilibrium of mind and body, that beautiful tingling of the blood which some had thought the real joy of living and which is nowhere so intensely and exquisitely felt as in the exercise of the body.”**

The IOC, the putative custodian of the Olympic Movement, in the Baden Baden Congress in 1981, deliberated that **“every effort must be made to revive fair play and sportsmanship”** which was a historic point of departure for giving an added significance to one of the objectives of the IOC, which specified that it will dedicate its efforts to ensure that in sport, the spirit of fair play prevails, and violence is banned.

Fair-play, though a Victorian concept in essence, is universally perceived as an accepted ideal capable of transforming the Modern Sports Movement along normative lines. Sports represent friendship, peace and solidarity: Fair play goes far beyond respecting the rules of the game. It is more than a mere matter of innate decency.

In an exemplary effort to ensure the development of sport as per the European Sports Charter and to be more precise, to provide the practitioners of sports with a system of values, a compendium of sports values was formulated by the Committee of Ministers of the Council of Europe. This edifying document is addressed to all the relevant quarters: participants, coaches, the public, sports entities, spectators and governments as well, instructing that he who plays loyally is always winning.

CONTOURS OF FAIR PLAY

Fair play is defined as much more than playing within the rules. It incorporates the concepts of friendship, respect for others and always playing within the right spirit. Fair play is defined as a way of thinking, not just a way of behaving. It incorporates issues concerned with the elimination of cheating, gamesmanship, doping, violence (both physical and verbal), exploitation, unequal opportunities, excessive commercialization and corruption.

Fair play is a positive concept. Sport is a cultural activity; when, practiced fairly, enriches society and friendship between nations. Sport

is also recognized as an activity; when, played fairly, offers the individual the opportunity of self-knowledge, self-expression and fulfillment; personal achievement, skill acquisition and demonstration of ability; social interaction, enjoyment, good health and well being. Sport promotes involvement and responsibility in society with its wide range of clubs and leaders working voluntarily. In addition, responsible involvement in some activities can help to promote sensitivity to the environment.

With the ever growing accent on winning at all costs, participants hardly display fair play or acknowledge their own obligations towards their fellow competitors. Even persons brought up in a well-regulated milieu fail to acknowledge the reciprocal rights of others. Such is the pressure that is brought to bear on the participants. However, there are incidents, though few and far between, and few and far apart, where competitors concede an advantage to the opposing side in order to perform something noteworthy. A swimmer going out of his lane to save the life of another participant or a player abruptly ending the play to nurse the injured are ever so rare incidents. The persons involved in these altruistic acts are driven by the innermost feelings towards the predicament of others. As for the spectators or his supporters, his conduct is inexplicable, for, they feel that the player involved has compromised and conceded an advantage to the opponents. But for the player, his action was actuated by noble sentiments which will open the gateway to the domain of duties.

Recounting a panoptic episode, the Italian striker PAOLO DI CANIO was the subject of an exceptional act of fair play in an English premiership soccer encounter in December 2000. His act came in the closing minutes of the match between his team, West Ham United and Everton, which ended in a draw. With the Everton goal keeper lying injured on the ground, Di Canio refused to go for the ball in a goal scoring situation and instead, caught the ball with his hands so that the stricken opponent could be given medical attention. In appreciation of the goodwill, the FIFA President Joseph Blatter wrote to Canio ***“Gestures like this are all too rare in football especially at the professional level. High profile players like yourself are in the privileged position of role models who can have a positive influence on young people but unfortunately the opportunity is taken only too seldom. Your spontaneous action in the game against Everton thus deserves our special recognition and respect. I would like to congratulate and thank you on behalf of the FIFA and all fair minded football fans for this splendid gesture made in the true spirit of fair play and encourage you to continue to set such positive examples for the others to follow.”***

It is pertinent to note here that rights, when violated are recognizable by Law but human values are invisible, and any degradation of them is not easily recognizable. When human values decline, civilization will invariably crumble and wither off. To ensure a value system to prevail in its desired form, a due and proper reward system ought to be installed in the society, at large. It redounds to the credit of the FIFA for having established such a reward system to promote and sustain a value system. FIFA, awarded accordingly, the FIFA fair play Award to Canio. Incidentally, a teenage player from Ghana, Sumaila Abdulla, received the FIFA fair play Diploma for having saved the life of an opponent with a kiss of life, when the latter

was knocked unconscious in a local match. These illustrations depict that everyone has a certain degree of obligations towards others. These acts give precise and comprehensive expression to Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant of the Civil and Political Rights which sum up that every individual has a duty to respect Life, Liberty and Security of Person of others.

It is preposterous to assume that in the normal course of events, these types of exemplary efforts will become a general phenomenon, as, sport is not monolithic. It can be a vehicle for virtue and a congenial medium for vices as well. As the Founder of the Olympic Movement observed, **"Sports can fire highest and the lowest passion, it can develop disinterestedness and a sense of honour as well as love of profit. It can be chivalrous or corrupt, manly or bestial. Nobility of feeling the cult of disinterest and honour, the spirit of chivalry, manliness and peace are the prime needs of modern democracies."**

Any discussion or disquisition concerning the duties of athletes has perforce to be reviewed against the backdrop of the athlete's obligations towards society. To usher the readers to this concept, or rather the reality, one has to take into consideration the existence of the sport society in each and every country. A sports society comprising, athletes, administrators and also spectators, is clearly embedded in a State. This sports society is a component part of the cohesive international sports society that pervades the entire Nation State System. The impact the spectators can impose on the player is great. The presence of spectators in large numbers can make or mar the concentration of the players, or even stimulate them to perform better and to emerge victorious. Still greater is the impact the player can cause on the spectators and the citizenry as a whole. Many popular performers are considered to be role models by the youth in particular, and the aficionados of sport in general, and the spectators at large derive vicarious pleasure of being a part of a popular team or a celebrity. The gesticulations, gestures and even manners of some galaxy of sports stars are imitated both by the youth and the followers of sports events with greater intensity. The shouting, the screaming, the tears, and the body language created and sparked off by a whirlwind of emotions have become a regular feature of modern sports. The ecstasy of the victors and the followers on one side, and the agony of the vanquished and his company on the other, is an all too familiar scenario, when one comes to think of it.

For an individual player, his identity is mobilized on behalf of his community or country. The passionate feelings of attachments and the partisan commitment towards a group, a cause, or a country make him special, and he becomes a cynosure of the idly curious and the fanatically obsessed crowd. His conduct and feats become a subject of incessant scrutiny or endless admiration. It is here the duty of sportsmen comes into focus. Much is expected from him which is worthy of emulation. Whatever he does is reflected on the society. It must be borne in mind that nothing is more dangerous, destructive and infectious than a bad example. As such, sportsmen have to take adequate care to ensure that they inculcate normative values and not engender dangerous trends in the sports society; for, the impact they

make on the sports society is ineluctably transferred to the society at large, which is the Nation State. Such is the paramount responsibility of an athlete towards society.

Sensing the potential challenges sports in general have to confront in the permissive world, and realizing the vast opportunities sport can offer for personal expression and the development of social, moral, and physical constituencies, the Triumvirate of the SPORTSWORLD, the IOC, the UNESCO and the ICSSPE put forward the Declaration of Fair Play as a form of a social contract to encourage and ensure that ethical values are adhered to in the entire gamut of sports relations.

THE WORLD OF SPORTS AND POLITICS

All the political societies and Nation States enact laws to combat and counter violence and thereby, impose social control, whereas, the sports societies embedded in each country accept the principles of confrontation. The principal objective of all sports encounters is to confront or clash. Here, the rules and regulations of sports contest are drawn in order to regulate and transform the natural and inherent tendency of human beings into a ritual and a meaningful expression. In short, sports societies promote confrontation and control them by regulations. Although both these societies have diagonally opposite views and approaches and the situations are confrontational and paradoxical, they seek to promote ethical values in the interest of the masses they rule and for the betterment of the sports communities they regulate. To extend our understanding of this delicate relationship, sports and politics are aimed at promoting the well being of the masses; the former seeks to enhance the perfection of body and mind through the methodical practice of physical exercise, whereas, the latter is engrossed in the public affairs of the State in the interest of the masses through the application of a legal system. Therefore, any State will consider anything vital and strategic to be under its control and sport interaction is one such concern. Thus, there will appear a conflict of interests. But in actuality and reality, both the societies of sports and politics need each other for their existence. As such, there appears a symbiotic relationship. It is of topical interest to review how the two worlds of sports and politics exist in harmony. Hence, a brief summary of the relationship between the IOC and the UN system which represent the larger communities of Sport and Politics becomes necessary.

LEAGUE OF NATIONS

As the First World War ended, international concern for the protection of human rights found expression in the League of Nations. In this arrangement, the Member States accepted their obligations to secure and maintain a fair and humane condition of labour for men and women, and also to ensure just treatment of the indigenous population in their control. The Covenants of the League established a mandate system, whereby certain Powers accepted the responsibility of the well-being of the people placed under their mandate which was generally referred to as a sacred trust. The League of Nations emanated from the Versailles

Treaty mainly due to the untiring efforts of Woodrow Wilson in 1920, came apart at the seams during the 1930's, failing to hold numerous aggressions, and inevitably it was dispatched to the attic of oblivion in 1946.

Though a political organization is essence, the health committee of the League of Nations assigned professor Eugeniusz Piasecki of Poland to conduct a study to evaluate the nature of physical education in schools of 13 selected countries. In the first IOC Pedagogical Olympic Congress in Prague, a full complement of a delegation from the League of Nations participated, and consequently, some more meetings were held under the patronage of the League of Nations to promote physical education in a broader manner. An important and edifying landmark was reached when the League of Nations deliberated to put in place, a well - represented Commission, **to define the physiological basis of national physical education adapted to different ages.** Further, Nation States were required to form structural arrangements to promote physical education. The deliberations of the League were not carried out following its unfortunate dissolution. Notwithstanding this setback, even during the World War two much work was done to promote physical education. The Inter-Allied Open Conference On the Wider Aspects of Physical Education held in London in 1942 defined some specific objectives to promote physical education. **It deliberated to give the members of the physical education profession opportunities not only to increase their knowledge of the relations of their subjects to wider aspects of education, recreation, medicine and general welfare, but also to contact members of the United Nations.** Incidentally, the President of the IOC Pierre de Coubertin welcomed the birth of the League of Nations in a letter addressed to the President. He had this to say: **"Indeed for 26 years now in the field of sport activity, our committee has introduced and applied the same principles which served as the basis of the League of Nations"**.

ILO

The League of Nations was of the view that universal peace could only be founded on social justice. It wanted to create an organization that will seek to improve working conditions and prosperity among all classes of people. In that light, the ILO was created in 1919 on the premise that legislative means are necessary to protect the workers. The ILO was also of the view that unjust conditions of labour imperil peace and harmony; as such, universal peace could be established only if it was based on social justice. When the Frenchman Albert Thomas became the first president of the ILO, a meaningful relationship between the IOC and the ILO to further the causes was heralded. The meeting of the two Presidents was arranged by the former president of the IAAF Johannes Sigfrid Edstrom. Coubertin in those meetings impressed upon Albert Thomas of his intended initiatives in the areas of education and sport. As a consequence of their fruitful partnership, in 1926 Coubertin wrote his memorandum concerning the higher education of manual workers and the organization of the workers universities. Correspondingly, for the part of the ILO, it arranged a meeting of experts of sports in a conference conducted under the supervision of the ILO. Felicitously, in

1930, both the Presidents deliberated on the theme, Peoples Universities and Workers Education. This relationship between the IOC and ILO continues till date.

UNESCO

France at the San Francisco Conference in 1945 made a plea that the UN set-up an international organization to promote cultural co-operation. In that regard, the governments of UK and France convened a meeting in London the same year for the establishment of an organization dedicated to education, science and culture. The Conference drew up a Constitution whose purpose was to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of Law, and for Human Rights and fundamental freedoms, which are affirmed for the people of the world without distinction of race, sex, language or religion, by the Charter of the United Nations. As is well known, Coubertin's philosophy was to promote mass physical education through the Olympic idea. But unfortunately, this idea was not promoted to the extent it was necessary at a particular period of time due to various obstacles including the World War Two and overall, the activities of the IOC were at a very low ebb. During this period when there was a slowdown of the IOC activities, the UNESCO, assumed the reins of the development of athletic sports for educational purposes. Further, during the period of 70's, UNESCO entertained an idea of controlling global sports activities. It so happened that nothing inimical to the existence of the IOC flared up, when the president of the IOC LORD KILLANIN and the Director General of the UNESCO RENE MAHEU decided to sit down and sort out the mutual mistrust and misapprehensions. With this agreement, both of them enhanced the mutual co-operation to promote physical education the world over.

EUROPEAN UNION

For centuries, Europe was the centre stage of numerous wars. and as a result many States were hostile to one another. Against this somber backdrop many altruistic leaders became increasingly convinced that the only possible way to bring peace to the Continent was to unite the member states economically and politically. Thus, from the European Coal and Steel Community in 1951 headed by Jean Monnet, the Europeans moved to the European Economic Community and European Atomic Energy Community under the Treaties of Rome in 1957. The Treaty of MAASTRICHT in 1992 introduced new forms of co-operation among the governments in specific areas. This process of that Treaty created the European Union. (EU).

The EU attempted to forge some semblance of association with the sport entities of Europe. The first attempt in 1987 appeared to be somewhat intrusive as the EU requested the 12 NOCs of Europe to participate in the Seoul Olympiad as a European contingent much to the surprise and consternation of the NOCs. That move fizzled out, as the intended arrangement was not practicable as per the Charter of the IOC. More to come, the EU also laid its hands on soccer, in the sense; it wanted the

free movement of sportsmen in keeping with the European legislations. To break this deadlock and to create a climate conducive to consensus, the European NOCs formed a liaison office and similarly, the European Union created the Sport Help Desk to facilitate productive contacts. This office paid focused attention on the impact of European Legislation on sports, more particularly, on such delicate areas as sports marketing, television rights, free movement of players and so on. The ties led to the mutual understanding as both entities realized their respective roles in the right perspective. One such classical case of good relationship was that the NOCs of Europe received substantial sums of money for research in respect of doping and also for the betterment of sport for the disabled.

THE UNITED NATIONS

Although the UN and the IOC have had the same lofty ideals of serving humanity, the two apex bodies did not have any serious ties until 1993 when a new phase of an enduring relationship started with the UN General Assembly passing a resolution in its 48th Session for the observance of Olympic Truce in line with the Ancient Olympic practice. The Olympic Truce was meant to call all Nation States and all international and national organizations to observe the Armistice from the 7th day before the commencement of the Olympic Games to the 7th day after the end of the Olympic Games, and to take all possible peaceful means to settle all existing conflicts as well as to cease armed conflicts during this period. As a matter of fact, this resolution to observe peace was co-sponsored by 121 Nation States!. Subsequently, the United Nations Declared the year 1994 as the International Year of Sport and the Olympic Ideals.

Since 1993, the General Assembly has adopted eight resolutions on the Olympic Truce. It is important to stress that all these resolutions were sponsored by almost all member States. This unique record proves that Member States are fully committed to the Olympic ideals, and believe that the ancient Greek concept of Ekecheiria retains its importance and can offer a constructive approach to conflict resolution. Promoting peace was, in fact, the very reason why Olympic Games were originally established. In antiquity, the implementation of Olympic Truce entailed the cessation of all hostilities to allow thousands of athletes, pilgrims and spectators to travel to the Olympia to attend a sacred celebration of human achievement, and return home in safety and security. The Olympic Truce was observed over 1000 years making it the longest lasting Peace Treating in history.

Moreover, the UN passed a resolution for Building a Peaceful and Better World through Sport and the Olympic ideal, thus creating healthy relations with the sports Movement. It must be mentioned with due acclaim that it was during the tenure of His Excellency, Juan Antonio Samaranch, that the partnership rose to the zenith with many Co-operation Agreements signed between the UN and the IOC. To recapitulate briefly, the IOC has working arrangements with UNDP, FAO, UNDCP, UNESCO, UNICEF, UNHCR, UNEP, ILO and WHO on poverty, food, drug abuse, education, child welfare, humanitarian assistance, environment, child labour and health in the same order.

SPECIAL RAPPORTEUR FOR SPORT!

In the new millennium, Sport is perceived as a major social institution, and it is inextricably linked to social, cultural, and political organizations. In the process, it has assumed many dimensions: as a major cultural phenomenon, a glamorous component of International relations and also as a practical medium to illustrate universality. **All these aspects undoubtedly make sports as a global concern, and the review of Human Rights violations in this area is quite appropriate in the fitness of things.** In this vast domain, not so infrequently Human Rights violations are observed. But they get obscured or ignored due to reasons of priority, or lack of specific arrangements in the Human Rights implementation mechanism. To be precise, the committees instituted to monitor the implementation, of the economic, social and cultural rights, of the Convention on the elimination of All Forms of Discrimination and of the Convention Against Discrimination of women, do not provide a specific or well-defined remit for sport. Although the IOC, has special Commissions for law, finance, culture, marketing, and so on, it does not have any unit for Human Rights as such. **Therefore, the appointment of a Special Rapporteur by the UN or the IOC to evaluate the aspects of Human Rights violations in the domain of sport, will not spell redundant.** This suggestion is not something utopian, as many Rapporteurs have been detailed for the study of some crucial matters pertaining to human rights. It may be pertinently recorded that all global concerns or important aspects of human interactions, have been managed by the UN system. However, competitive sport is the only area that is governed by the NGOs. It has to be conceded that NGOs are representative of the limitations of the State, and the growing vitality of the civil society. The NGOs which are known for flexibility, informality and advocacy have been in the forefront as policy shapers.

CURRENT DEVELOPMENTS IN THE UN SYSTEM

1. International Year of Sports and Physical Education 2005

During the early part of 1990s the traditional notion of Sovereign State was constantly challenged by the growing inter-dependence between States and by the proliferation of Non State actors in the field of socio-economic welfare. Realizing the limitation of the Nation State system and the vitality of NGOs and their contribution towards global concerns, UN had to recognize the importance of the civil society organizations. Acknowledging the importance of sports in International Relations, the UN wanted to have a well defined relationship with sports entities which are civil society organizations in essence. For that reason the Secretary General of the UN appointed Mr. Adolf Ogi as his special advisor on Sport for development and peace in 2001. The creation of a separate department further encouraged the collaboration with a wide range of stake holders such as sports organizations, sports industry, research institutions, the media, the governments and the multi-lateral organizations.

In 2002, the Secretary General convened an inter-agency task force to review the activities involving sport within the UN system. The aim of

the task force was to promote a systematic and coherent use of sports in development peace initiatives, particularly at the community level, and to generate support for such activities among governments and sports related organizations. The task force was also asked to establish an inventory of existing sports for development programs, identify instructive examples and encourage the UN system to incorporate sports in its activities and work towards achieving the Millennium Development Goals (MDG).

In 2003, the General Assembly of the UN adopted the resolution 58/5 entitled **“sports as a means to promote education, health, development and peace”** where it recognized the power of sports to contribute to human and healthy childhood development, and proclaimed the year 2005 as the International Year of Sport and Physical Education.

The potential of sport to effectively convey messages and influence behavior has been increasingly recognized in the recent years. The United Nations is committed to mainstream sport in their programs and policies. Some governments have taken the first step in introducing sports in their development and foreign assistance policies.

The International Year of Sports and Physical Education aimed to facilitate better knowledge - sharing among different key stake holders to raise general awareness, as well as creating the right condition for the implementation of more sport - based human development programs and projects.

This concept document briefly outlines the potential of sports in four key areas: **education, health, development and peace** as well as **sport’s potential contribution to the achievement of global development plans such as the Millennium Developments Goals**. It includes the objectives and expected outcomes of the International Year of Sport and Physical Education, and provides back ground resources on the issue.

INTERNATIONAL YEAR OF SPORTS AND PHYSICAL EDUCATION

2005 - United Nations International Year of Sport and Physical Education

Fifty -eighth session

Agenda item 23 (b)

Resolution adopted by the General Assembly

(Without reference to a Main Committee (A/58/L.2 and Add.1)

58/5. Sport as a means to promote education, health, development and peace

The General Assembly,

Recalling its decision to include in its agenda an item entitled **“Sport for peace and development”** and a sub-item thereof entitled **“International Year of Sport and Physical Education”**,

Considering the role of sport and physical education as a means to promote education, health, development and peace,

Acknowledging the major role of the United Nations, its funds and programmes and the United Nations Educational, Scientific and Cultural Organization and other specialized agencies, in promoting human

development through sport and physical education, through its country programmes,

Taking note of the communiqué issued by the round table of ministers responsible for sports and physical education, held in Paris on 9 and 10 January 2003, in which they expressed their commitment to ensuring that the role of physical education and sport is fully recognized and developed,

Recalling the Convention on the Rights of the Child and the outcome document of the special session of the General Assembly on children entitled "A world fit for children" stressing that education shall be directed to the development of children's personality, talents and mental and physical abilities to their fullest potential,

Recalling also the International Charter of Physical Education and Sport of the United Nations Educational, Scientific and Cultural Organization and the Dakar Framework for Action adopted at the World Education Forum in April 2000, as well as other relevant documents emphasizing the role of sport and physical education,

Taking note of the report of the United Nations Inter-agency Task Force on Sport for Development and Peace,

Noting that sport and physical education in many countries face increasing marginalization within education systems even though they are a major tool not only for health and physical development but also for acquiring values necessary for social cohesion and intercultural dialogue,

Acknowledging with concern the dangers faced by sportsmen and sportswomen, in particular young athletes, including, inter alia, child labour, violence, doping, early specialization, over-training and exploitative forms of commercialization, as well as less visible threats and deprivations, such as the premature severance of family bonds and the loss of sporting, social and cultural ties,

Recognizing the need for greater coordination of efforts at the international level to facilitate a more effective fight against doping, and noting in this regard the Anti-Doping Convention established by the Council of Europe, the Copenhagen Declaration on Anti-doping in Sport, adopted during the World Conference on Doping in Sport, held from 3 to 5 March 2003, and any other relevant international instrument,

1. Invites Governments, the United Nations, its funds and programmes, the specialized agencies, where appropriate, and sport- related institutions:
 - (a) To promote the role of sport and physical education for all when furthering their development programmes and policies, to advance health awareness, the spirit of achievement and cultural bridging and to entrench collective values;
 - (b) To include sport and physical education as a tool to contribute towards achieving the internationally agreed development goals, including those contained in the United Nations Millennium Declaration and the broader aims of development and peace;

- (c) To work collectively so that sport and physical education can present opportunities for solidarity and cooperation in order to promote a culture of peace and social and gender equality and to advocate dialogue and harmony;
 - (d) To recognize the contribution of sport and physical education towards economic and social development and to encourage that building and restoration of sports infrastructures;
 - (e) To further promote sport and physical education, on the basis of locally assessed needs, as a tool for health, education, social and cultural development;
 - (f) To strength cooperation and partnership between all actors, including family, school, clubs/leagues, local communities, youth sports associations and decision makers as well as the public and private and private sectors, in order to ensure complementarities and to make sport and physical education available to everyone;
 - (g) To ensure that young talents can develop their athletic potential without any threat to their safety and physical and moral integrity;
- (2) Encourages Governments, international sports bodies and sport-related organizations to elaborate and implement partnership initiatives and development projects compatible with the education provided at all levels of schooling to help achieve the Millennium Development Goals;
 - (3) Invites Governments and international sports bodies to assist developing countries, in particular the least developed countries and small island developing States, in their capacity-building efforts in sport and physical education;
 - (4) Encourages the United Nations to develop strategic partnerships with the range of stakeholders involved in sport, including sports organizations, sports associations and the private sector, to assist in the implementation of sport for development programmes;
 - (5) Encourages Governments and the United Nations system to seek new and innovative ways to use sport for communication and social mobilization, particularly at the national, regional and local levels, engaging civil society through active participation and ensuring that target audiences are reached;
 - (6) Stresses the need for all parties to cooperate closely with international sports bodies to elaborate a "code of good practice".
 - (7) Invites Governments to accelerate the elaboration of an international anti-doping Convention in all sports activities, and requests the United Nations Educational, Scientific and Cultural

Organization, in cooperation with other relevant international and regional organizations, to coordinate the elaboration of such a Convention;

- (8) Decides to proclaim 2005 as the International year for sport and physical education, as a means to promote education, health, development and peace, and invites Governments to organize events to underline their commitment and to seek the assistance of sports personalities in this regard;
- (9) Requests the Secretary -General to report to the General Assembly at its fifty-ninth session on the implementation of the present resolution and on the preparation of events at the national and international levels to celebrate the year 2005, under the sub-item entitled "International Year of Sport and Physical Education".

2. INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT 2007

The World Anti-Doping Code, adopted by the World Anti-Doping Agency (WADA) in March 2003, represented the first attempt to harmonize standards in the fight against doping in sport, but because WADA is a Swiss private law Foundation, the Code was not legally binding according to public law. As a result, the International Convention Against Doping in Sport which promotes no advance notice, out - of - competition and in - competition testing was adopted unanimously by the UNESCO General Conference in 2005. This Convention was developed after extensive drafting and consultation in meetings involving representatives from almost 100 countries. It was required to provide the force of international law to fight against doping and to ensure that all Governments have legal commitments to implement the World Anti-Doping code, uniting the Sporting Movement and Governments.

The Convention represents the first time that governments around the world have agreed to apply the force of International Law in anti-doping. It is important because there are specific areas where only governments possess the means to take the fight against doping forward. Accordingly, the Convention helps to formalize global anti-doping rules, policies and guidelines in order to provide an honest and equitable playing environment for all athletes. It also aims to ensure the effectiveness of World Anti-Doping Code in international law, creating obligations on nations to take steps in accordance with its principles (UNESCO)

The General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as "UNESCO", meeting in Paris, from 3 to 21 October 2005, at its 33rd session, *Considering* that the aim of UNESCO is to contribute to peace and security by promoting collaboration among nations through education, science and culture,

Referring to existing international instruments relating to human rights, *Aware* of resolution 58/5 adopted by the General Assembly of the United Nations on 3 November 2003, concerning sport as a means to promote education, health, development and peace, notably its paragraph 7,

Conscious that sport should play an important role in the protection of health, in moral, cultural and physical education and in promoting international understanding and peace,
Noting the need to encourage and coordinate international cooperation towards the elimination of doping in sport,
Concerned by the use of doping by athletes in sport and the consequences thereof for their health, the principle of fair play, the elimination of cheating and the future of sport,
Mindful that doping puts at risk the ethical principles and educational values embodied in the International Charter of Physical Education and Sport of UNESCO and in the Olympic Charter,
Recalling that the Anti-Doping Convention and its Additional Protocol adopted within the framework of the Council of Europe are the public international law tools which are at the origin of national anti-doping policies and of intergovernmental cooperation,
Recalling the recommendations on doping adopted by the second, third and fourth International Conferences of Ministers and Senior Officials Responsible for Physical Education and Sport organized by UNESCO at Moscow (1988), Punta del Este (1999) and Athens (2004) and 32 C/Resolution 9 adopted by the General Conference of UNESCO at its 32nd session (2003),
Bearing in mind the World Anti-Doping Code adopted by the World Anti-Doping Agency at the World Conference on Doping in Sport, Copenhagen, 5 March 2003, and the Copenhagen Declaration on Anti-Doping in Sport,
Mindful also of the influence that elite athletes have on youth,
Aware of the ongoing need to conduct and promote research with the objectives of improving detection of doping and better understanding of the factors affecting use in order for prevention strategies to be most effective,
Aware also of the importance of ongoing education of athletes, athlete support personnel and the community at large in preventing doping,
Mindful of the need to build the capacity of States Parties to implement anti-doping programmes,
Aware that public authorities and the organizations responsible for sport have complementary responsibilities to prevent and combat doping in sport, notably to ensure the proper conduct, on the basis of the principle of fair play, of sports events and to protect the health of those that take part in them,
Recognizing that these authorities and organizations must work together for these purposes, ensuring the highest degree of independence and transparency at all appropriate levels,
Determined to take further and stronger cooperative action aimed at the elimination of doping in sport,
Recognizing that the elimination of doping in sport is dependent in part upon progressive harmonization of anti-doping standards and practices in sport and cooperation at the national and global levels,
Adopts this Convention on this nineteenth day of October 2005.

I. Scope

Article 1 - Purpose of the Convention

The purpose of this Convention, within the framework of the strategy and programme of activities of UNESCO in the area of physical education

and sport, is to promote the prevention of and the fight against doping in sport, with a view to its elimination.

Article 2 - Definitions

These definitions are to be understood within the context of the World Anti-Doping Code. However, in case of conflict the provisions of the Convention will prevail.

For the purposes of this Convention:

1. "Accredited doping control laboratories" means laboratories accredited by the World Anti Doping Agency.

2. "Anti-doping organization" means an entity that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other major event organizations that conduct testing at their events, the World Anti-Doping Agency, international federations and national anti-doping organizations.

3. "Anti-doping rule violation" in sport means one or more of the following:

(a) the presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen;

(b) use or attempted use of a prohibited substance or a prohibited method;

(c) refusing, or failing without compelling justification, to submit to sample collection after notification as authorized in applicable anti-doping rules or otherwise evading sample collection;

(d) violation of applicable requirements regarding athlete availability for out-of-competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules;

(e) tampering, or attempting to tamper, with any part of doping control;

(f) possession of prohibited substances or methods;

(g) trafficking in any prohibited substance or prohibited method;

(h) administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation.

4. "Athlete" means, for the purposes of doping control, any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties. For the purposes of education and training programmes, "athlete" means any person who participates in sport under the authority of a sports organization.

5. "Athlete support personnel" means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.

6. "Code" means the World Anti-Doping Code adopted by the World Anti-Doping Agency on 5 March 2003 at Copenhagen which is attached as Appendix 1 to this Convention.

7. "Competition" means a single race, match, game or singular athletic contest.
8. "Doping control" means the process including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals.
9. "Doping in sport" means the occurrence of an anti-doping rule violation.
10. "Duly authorized doping control teams" means doping control teams operating under the authority of international or national anti-doping organizations.
11. "In-competition" testing means, for purposes of differentiating between in-competition and out-of-competition testing, unless provided otherwise in the rules of an international federation or other relevant anti-doping organization, a test where an athlete is selected for testing in connection with a specific competition.
12. "International Standard for Laboratories" means the standard which is attached as Appendix 2 to this Convention.
13. "International Standard for Testing" means the standard which is attached as Appendix 3 to this Convention.
14. "No advance notice" means a doping control which takes place with no advance warning to the athlete and where the athlete is continuously chaperoned from the moment of notification through sample provision.
15. "Olympic Movement" means all those who agree to be guided by the Olympic Charter and who recognize the authority of the International Olympic Committee, namely the international federations of sports on the programme of the Olympic Games, the National Olympic Committees, the Organizing Committees of the Olympic Games, athletes, judges and referees, associations and clubs, as well as all the organizations and institutions recognized by the International Olympic Committee.
16. "Out-of-competition" doping control means any doping control which is not conducted in competition.
17. "Prohibited List" means the list which appears in Annex I to this Convention identifying the prohibited substances and prohibited methods.
18. "Prohibited method" means any method so described on the Prohibited List, which appears in Annex I to this Convention.
19. "Prohibited substance" means any substance so described on the Prohibited List, which appears in Annex I to this Convention.
20. "Sports organization" means any organization that serves as the ruling body for an event for one or several sports.
21. "Standards for Granting Therapeutic Use Exemptions" means those standards that appear in Annex II to this Convention.
22. "Testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory.
23. "Therapeutic use exemption" means an exemption granted in accordance with Standards for Granting Therapeutic Use Exemptions.
24. "Use" means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method.

25. "World Anti-Doping Agency" (WADA) means the foundation so named established under Swiss law on 10 November 1999.

Article 3 - Means to achieve the purpose of the Convention

In order to achieve the purpose of the Convention, States Parties undertake to:

- (a) adopt appropriate measures at the national and international levels which are consistent with the principles of the Code;
- (b) encourage all forms of international cooperation aimed at protecting athletes and ethics in sport and at sharing the results of research;
- (c) foster international cooperation between States Parties and leading organizations in the fight against doping in sport, in particular with the World Anti-Doping Agency.

Article 4 - Relationship of the Convention to the Code

1. In order to coordinate the implementation, at the national and international levels, of the fight against doping in sport, States Parties commit themselves to the principles of the Code as the basis for the measures provided for in Article 5 of this Convention.

Nothing in this Convention prevents States Parties from adopting additional measures complementary to the Code.

2. The Code and the most current version of Appendices 2 and 3 are reproduced for information purposes and are not an integral part of this Convention. The Appendices as such do not create any binding obligations under international law for States Parties.

3. The Annexes are an integral part of this Convention.

Article 5 - Measures to achieve the objectives of the Convention

In abiding by the obligations contained in this Convention, each State Party undertakes to adopt appropriate measures. Such measures may include legislation, regulation, policies or administrative practices.

Article 6 - Relationship to other international instruments

This Convention shall not alter the rights and obligations of States Parties which arise from other agreements previously concluded and consistent with the object and purpose of this Convention. This does not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

II. Anti-doping activities at the national level

Article 7 - Domestic coordination

States Parties shall ensure the application of the present Convention, notably through domestic coordination. To meet their obligations under this Convention, States Parties may rely on anti-doping organizations as well as sports authorities and organizations.

Article 8 - Restricting the availability and use in sport of prohibited substances and methods

1. States Parties shall, where appropriate, adopt measures to restrict the availability of prohibited substances and methods in order to restrict their use in sport by athletes, unless the use is based upon a therapeutic use exemption. These include measures against trafficking to athletes

and, to this end, measures to control production, movement, importation, distribution and sale.

2. States Parties shall adopt, or encourage, where appropriate, the relevant entities within their jurisdictions to adopt measures to prevent and to restrict the use and possession of prohibited substances and methods by athletes in sport, unless the use is based upon a therapeutic use exemption.

3. No measures taken pursuant to this Convention will impede the availability for legitimate purposes of substances and methods otherwise prohibited or controlled in sport.

Article 9 - Measures against athlete support personnel

States Parties shall themselves take measures or encourage sports organizations and anti-doping organizations to adopt measures, including sanctions or penalties, aimed at athlete support personnel who commit an anti-doping rule violation or other offence connected with doping in sport.

Article 10 - Nutritional supplements

States Parties, where appropriate, shall encourage producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including information regarding their analytic composition and quality assurance.

Article 11 - Financial measures

States Parties shall, where appropriate:

(a) provide funding within their respective budgets to support a national testing programme across all sports or assist sports organizations and anti-doping organizations in financing doping controls either by direct subsidies or grants, or by recognizing the costs of such controls when determining the overall subsidies or grants to be awarded to those organizations;

(b) take steps to withhold sport-related financial support to individual athletes or athlete support personnel who have been suspended following an anti-doping rule violation, during the period of their suspension;

(c) withhold some or all financial or other sport-related support from any sports organization or anti-doping organization not in compliance with the Code or applicable anti-doping rules adopted pursuant to the Code.

Article 12 - Measures to facilitate doping control

States Parties shall, where appropriate:

(a) encourage and facilitate the implementation by sports organizations and anti-doping organizations within their jurisdiction of doping controls in a manner consistent with the Code, including no-advance notice, out-of-competition and in-competition testing;

(b) encourage and facilitate the negotiation by sports organizations and anti-doping organizations of agreements permitting their members to be tested by duly authorized doping control teams from other countries;

(c) undertake to assist the sports organizations and anti-doping organizations within their jurisdiction in gaining access to an accredited doping control laboratory for the purposes of doping control analysis.

III. International cooperation

Article 13 - Cooperation between anti-doping organizations and sports organizations

States Parties shall encourage cooperation between anti-doping organizations, public authorities and sports organizations 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.

Article 14 - Supporting the mission of the World Anti-Doping Agency

States Parties undertake to support the important mission of the World Anti-Doping Agency in the international fight against doping.

Article 15 - Equal funding of the World Anti-Doping Agency

States Parties support the principle of equal funding of the World Anti-Doping Agency's approved annual core budget by public authorities and the Olympic Movement.

Article 16 - International cooperation in doping control

Recognizing that the fight against doping in sport can only be effective when athletes can be tested with no advance notice and samples can be transported in a timely manner to laboratories for analysis, States Parties shall, where appropriate and in accordance with domestic law and procedures:

(a) facilitate the task of the World Anti-Doping Agency and anti-doping organizations operating in compliance with the Code, subject to relevant host countries' regulations, of conducting in- or out-of-competition doping controls on their athletes, whether on their territory or elsewhere;

(b) facilitate the timely movement of duly authorized doping control teams across borders when conducting doping control activities;

(c) cooperate to expedite the timely shipping or carrying across borders of samples in such a way as to maintain their security and integrity;

(d) assist in the international coordination of doping controls by various anti-doping organizations, and cooperate to this end with the World Anti-Doping Agency;

(e) promote cooperation between doping control laboratories within their jurisdiction and those within the jurisdiction of other States Parties. In particular, States Parties with accredited doping control laboratories should encourage laboratories within their jurisdiction to assist other States Parties in enabling them to acquire the experience, skills and techniques necessary to establish their own laboratories should they wish to do so;

(f) encourage and support reciprocal testing arrangements between designated anti-doping organizations, in conformity with the Code;

(g) mutually recognize the doping control procedures and test results management, including the sport sanctions thereof, of any anti-doping organization that are consistent with the Code.

Article 17 - Voluntary Fund

1. A "Fund for the Elimination of Doping in Sport", hereinafter referred to as "the Voluntary Fund", is hereby established. The Voluntary Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO. All contributions by States Parties and other actors shall be voluntary.

2. The resources of the Voluntary Fund shall consist of:

- (a) contributions made by States Parties;
- (b) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;
 - (iii) public or private bodies or individuals;
- (c) any interest due on the resources of the Voluntary Fund;
- (d) funds raised through collections, and receipts from events organized for the benefit of the Voluntary Fund;
- (e) any other resources authorized by the Voluntary Fund's regulations, to be drawn up by the Conference of Parties.

3. Contributions into the Voluntary Fund by States Parties shall not be considered to be a replacement for States Parties' commitment to pay their share of the World Anti-Doping Agency's annual budget.

Article 18 - Use and governance of the Voluntary Fund

Resources in the Voluntary Fund shall be allocated by the Conference of Parties for the financing of activities approved by it, notably to assist States Parties in developing and implementing anti-doping programmes, in accordance with the provisions of this Convention, taking into consideration the goals of the World Anti-Doping Agency, and may serve to cover functioning costs of this Convention. No political, economic or other conditions may be attached to contributions made to the Voluntary Fund.

IV. Education and training

Article 19 - General education and training principles

1. States Parties shall undertake, within their means, to support, devise or implement education and training programmes on anti-doping. For the sporting community in general, these programmes should aim to provide updated and accurate information on:

- (a) the harm of doping to the ethical values of sport;
- (b) the health consequences of doping.

2. For athletes and athlete support personnel, in particular in their initial training, education and training programmes should, in addition to the above, aim to provide updated and accurate information on:

- (a) doping control procedures;
- (b) athletes' rights and responsibilities in regard to anti-doping, including information about the Code and the anti-doping policies of the relevant sports and anti-doping organizations. Such information shall include the consequences of committing an anti-doping rule violation;

- (c) the list of prohibited substances and methods and therapeutic use exemptions;
- (d) nutritional supplements.

Article 20 - Professional codes of conduct

States Parties shall encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the Code.

Article 21 - Involvement of athletes and athlete support personnel

States Parties shall promote and, within their means, support active participation by athletes and athlete support personnel in all facets of the anti-doping work of sports and other relevant organizations and encourage sports organizations within their jurisdiction to do likewise.

Article 22 - Sports organizations and ongoing education and training on anti-doping

States Parties shall encourage sports organizations and anti-doping organizations to implement ongoing education and training programmes for all athletes and athlete support personnel on the subjects identified in Article 19.

Article 23 - Cooperation in education and training

States Parties shall cooperate mutually and with the relevant organizations to share, where appropriate, information, expertise and experience on effective anti-doping programmes.

V. Research

Article 24 - Promotion of research in anti-doping

States Parties undertake, within their means, to encourage and promote anti-doping research in cooperation with sports and other relevant organizations on:

- (a) prevention, detection methods, behavioural and social aspects, and the health consequences of doping;
- (b) ways and means of devising scientifically-based physiological and psychological training programmes respectful of the integrity of the person;
- (c) the use of all emerging substances and methods resulting from scientific developments.

Article 25 - Nature of anti-doping research

When promoting anti-doping research, as set out in Article 24, States Parties shall ensure that such research will:

- (a) comply with internationally recognized ethical practices;
- (b) avoid the administration to athletes of prohibited substances and methods;
- (c) be undertaken only with adequate precautions in place to prevent the results of anti-doping research being misused and applied for doping.

Article 26 - Sharing the results of anti-doping research

Subject to compliance with applicable national and international law, States Parties shall, where appropriate, share the results of available anti-doping research with other States Parties and the World Anti-Doping Agency.

Article 27 - Sport science research

States Parties shall encourage:

- (a) Members of the scientific and medical communities to carry out sport science research in accordance with the principles of the Code;
- (b) sports organizations and athlete support personnel within their jurisdiction to implement sport science research that is consistent with the principles of the Code.

VI. Monitoring of the Convention

Article 28 - Conference of Parties

1. A Conference of Parties is hereby established. The Conference of Parties shall be the sovereign body of this Convention.
2. The Conference of Parties shall meet in ordinary session in principle every two years. It may meet in extraordinary session if it so decides or at the request of at least one third of the States Parties.
3. Each State Party shall have one vote at the Conference of Parties.
4. The Conference of Parties shall adopt its own Rules of Procedure.

Article 29 - Advisory organization and observers to the Conference of Parties

The World Anti-Doping Agency shall be invited as an advisory organization to the Conference of Parties. The International Olympic Committee, the International Paralympic Committee, the Council of Europe and the Intergovernmental Committee for Physical Education and Sport (CIGEPS) shall be invited as observers. The Conference of Parties may decide to invite other relevant organizations as observers.

Article 30 - Functions of the Conference of Parties

1. Besides those set forth in other provisions of this Convention, the functions of the Conference of Parties shall be to:
 - (a) promote the purpose of this Convention;
 - (b) discuss the relationship with the World Anti-Doping Agency and study the mechanisms of funding of the Agency's annual core budget. States non-Parties may be invited to the discussion;
 - (c) adopt a plan for the use of the resources of the Voluntary Fund, in accordance with Article 18;
 - (d) examine the reports submitted by States Parties in accordance with Article 31;
 - (e) examine, on an ongoing basis, the monitoring of compliance with this Convention in response to the development of anti-doping systems, in accordance with Article 31. Any monitoring mechanism or measure that goes beyond Article 31 shall be funded through the Voluntary Fund established under Article 17;
 - (f) examine draft amendments to this Convention for adoption;
 - (g) examine for approval, in accordance with Article 34 of the Convention, modifications to the Prohibited List and to the Standards for

Granting Therapeutic Use Exemptions adopted by the World Anti-Doping Agency;

(h) define and implement cooperation between States Parties and the World Anti-Doping Agency within the framework of this Convention;

(i) request a report from the World Anti-Doping Agency on the implementation of the Code to each of its sessions for examination.

2. The Conference of Parties, in fulfilling its functions, may cooperate with other intergovernmental bodies.

Article 31 - National reports to the Conference of Parties

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.

Article 32 - Secretariat of the Conference of Parties

1. The secretariat of the Conference of Parties shall be provided by the Director-General of UNESCO.

2. At the request of the Conference of Parties, the Director-General of UNESCO shall use to the fullest extent possible the services of the World Anti-Doping Agency on terms agreed upon by the Conference of Parties.

3. Functioning costs related to the Convention will be funded from the regular budget of UNESCO within existing resources at an appropriate level, the Voluntary Fund established under Article 17 or an appropriate combination thereof as determined every two years. The financing for the secretariat from the regular budget shall be done on a strictly minimal basis, it being understood that voluntary funding should also be provided to support the Convention.

4. The secretariat shall prepare the documentation of the Conference of Parties, as well as the draft agenda of its meetings, and shall ensure the implementation of its decisions.

Article 33 - Amendments

1. Each State Party may, by written communication addressed to the Director-General of UNESCO, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, at least one half of the States Parties give their consent, the Director-General shall present such proposals to the following session of the Conference of Parties.

2. Amendments shall be adopted by the Conference of Parties with a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to States Parties.

4. With respect to the States Parties that have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.

5. A State that becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:

(a) a Party to this Convention as so amended;

(b) a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 34 - Specific amendment procedure for the Annexes to the Convention

1. If the World Anti-Doping Agency modifies the Prohibited List or the Standards for Granting Therapeutic Use Exemptions, it may, by written communication addressed to the Director-General of UNESCO, inform her/him of those changes. The Director-General shall notify such changes as proposed amendments to the relevant Annexes to this Convention to all States Parties expeditiously. Amendments to the Annexes shall be approved by the Conference of Parties either at one of its sessions or through a written consultation.

2. States Parties have 45 days from the Director-General's notification within which to express their objection to the proposed amendment either in writing, in case of written consultation, to the Director-General or at a session of the Conference of Parties. Unless two thirds of the States Parties express their objection, the proposed amendment shall be deemed to be approved by the Conference of Parties.

3. Amendments approved by the Conference of Parties shall be notified to States Parties by the Director-General. They shall enter into force 45 days after that notification, except for any State Party that has previously notified the Director-General that it does not accept these amendments.

4. A State Party having notified the Director-General that it does not accept an amendment approved according to the preceding paragraphs remains bound by the Annexes as not amended.

VII. Final clauses

Article 35 - Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties that have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, counties, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 36 - Ratification, acceptance, approval or accession

This Convention shall be subject to ratification, acceptance, approval or accession by Members States of UNESCO in accordance with their

respective constitutional procedures. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

Article 37 - Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.
2. For any State that subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 38 - Territorial extension of the Convention

1. Any State may, when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible and to which this Convention shall apply.
2. Any State Party may, at any later date, by a declaration addressed to UNESCO, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the depositary.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to UNESCO. Such withdrawal shall become effective on the first day of the month following the expiration of a period of one month after the date of receipt of such a notification by the depositary.

Article 39 - Denunciation

Any State Party may denounce this Convention. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO. The denunciation shall take effect on the first day of the month following the expiration of a period of six months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the State Party concerned until the date on which the withdrawal takes effect.

Article 40 - Depositary

The Director-General of UNESCO shall be the Depositary of this Convention and amendments thereto. As the Depositary, the Director-General of UNESCO shall inform the States Parties to this Convention, as well as the other States Members of the Organization of:

- (a) the deposit of any instrument of ratification, acceptance, approval or accession;
- (b) the date of entry into force of this Convention in accordance with Article 37;
- (c) any report prepared in pursuance of the provisions of Article 31;

(d) any amendment to the Convention or to the Annexes adopted in accordance with Articles 33 and 34 and the date on which the amendment comes into force;

(e) any declaration or notification made under the provisions of Article 38;

(f) any notification made under the provisions of Article 39 and the date on which the denunciation takes effect;

(g) any other act, notification or communication relating to this Convention.

Article 41 - Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

Article 42 - Authoritative texts

1. This Convention, including its Annexes, has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

2. The Appendices to this Convention are provided in Arabic, Chinese, English, French, Russian and Spanish.

Article 43 - Reservations

No reservations that are incompatible with the object and purpose of the present Convention shall be permitted.

[Annex I - The Prohibited List - International Standard](#)

[Annex II - Standards for Granting Therapeutic Use Exemptions](#)

[Appendix 1 - World Anti-Doping Code](#)

[Appendix 2 - International Standard for Laboratories](#)

[Appendix 3 - International Standard for Testing](#)

Depositary

UNESCO

Entry into force:

1 February 2007, according to its Article 37.

3. Observer Status for the IOC in the UN General Assembly

The international Olympic Committee has been granted the observer status by the United Nations General assembly in 2009. **This decision pays tribute to the IOC's efforts to contribute to the achievement of the UN Millennium Development Goals.** By using sports as a tool, the IOC and its partners implement various activities across the globe, in fields such as Humanitarian assistance, peace building, education, gender equality, environment and the fight against HIV- AIDS. The IOC now has the possibility to attend all General Assembly meetings, where it can take the floor and promote sports at a new level. The list of UN observers is exclusive and features States, inter-governmental organizations and independent and non-governmental bodies, for instance, the International Committee of the Red Cross.

"This is a huge recognition of the role sport can play in contributing to a better and more peaceful world" said the IOC president Jacques

Rogge. "The Olympic values clearly match the UN philosophy. Today's decision further strengthens the partnership between the IOC and the UN system" he added. The IOC already works with a wide array of UN specialized Agencies and International organizations around the world to benefit the young people and communities (IOC)

Incidentally, over the years, the IOC has signed memorandum of understanding with as many as fifteen United Nations specialized agencies and programmers and co-operates with about ten other agencies. In 2006, the Secretary General of the UN formalized the working relationship that had already developed between the IOC and some UN peace keeping missions to apply sport, too, in rebuilding confidence between parties coming out of conflict.

In many resolutions over the years, the member States have called for United Nations system-wide cooperation with the IOC to implement projects using sports as a tool for the peace building, human development, humanitarian relief and the achievement of the Millennium Development Goals. The offer of observer status to the IOC recognizes the potential of sport to inspire everyone to pursue the goals and ideals of international understanding, security and prosperity as envisioned in the United Nation Charter (UN)

THE *STATUSQUO* OF THE IOC

The IOC created in 1894, is a non-governmental organization with volunteer members who represent its work around the world, and its administrative staff based in Lausanne, Switzerland. The IOC and its 2005 National Olympic Committees worldwide promote the Olympic Movement whose vision is to contribute to building a peaceful and better world by educating young people through sports. In addition to selecting the host city and coordinating the staging of Olympic Games, the IOC and NOCs collaborate with a range of organizations and their members in the public and the private sectors to place sport at the service of the society. The main goal is to promote the values of Olympism, which includes excellence, respect and friendship (IOC).

In sum, the IOC is the supreme authority of the Olympic Movement. The IOC President For Life, Juan Antonio Samaranch, summarized the task of the Olympic Movement as follows:

"We must always bear in mind that the purpose of the Olympic Movement is not just to attribute a major sport competition and organize it. We also have the idea of bringing people together in peace for the benefit of mankind. We must educate not only athletes but also the public at large in the spirit of fair play, better understanding between each other and friendship".

It will be interesting to analyze some of the observations of leading experts in international sports law concerning the status of the IOC.

"Although the non-governmental Olympic Movement and its constituent bodies cannot alone compel governmental compliance, their rules, regulations, and decisions, determine State practice and best articulate customary or autonomous sports law. Thus the whole system operates on the fringe of Public international law" (A R Nafziger)

"Although the IOC has neither a Foundation under international law nor a membership that includes States or subjects of international law, many members of the international community have treated it as if it indeed had international personality" (Stan J) .

"Despite its non-governmental status, the IOC has been vested with substantial legal authority: it engages in extensive diplomatic activity and it is considered as a vital authority on inter governmental affairs" (Dick J)

"The international Olympic Committee is considered as the highest sports authority: It governs Olympic Sports which forms an extra juridical order" (Silance)

INTERNATIONAL TREATY ON SPORT

It has long been the constant refrain of the IOC that the NOCs must cultivate so that they could construct a cordial relationship with their respective governments to promote the Olympic ideals. But the situation remains much to be desired. In reality, Nation States considered it imperative that any vital area relevant to the population should come within the purview of the State, whereas the sports entity spurred by the spirit of Olympism sought to be independent and autonomous. Hence, the collision course. Consequently, the International Sports Law mainly propounded and developed by the Olympic Movement has been stymied. The need of the hour is some semblance of symbiosis.

However, the International Sports Law constructed by bits and pieces and by dribs and drabs to suit specific occasions has developed overtime and it is improving slowly but steadily. The evolutionary trends signify the authority of the sports community over the athletes and athletic activities, thus creating mechanisms for the management and dispute resolution. It is timely to develop and refine the dormant constituency of sport - **The International Sports Law**.

Over the years, the UN adopted many Treaties and Conventions to address global concerns. The salient feature of the UN approach is that it has encouraged and directed many signatory States to enact specific laws which would not have been formulated by the national legislatures under normal circumstances. By way of analogy, it may be pertinently noted that the **NAIROBI TREATY FOR THE PROTECTION OF OLYMPIC SYMBOLS** in 1982, under the aegis of WIPO (UN agency) required many countries to enact specific legislation or incorporate substantive protection clauses into the main intellectual property legislation to protect the Olympic Symbols in their respective territories.

Pertinently, **THE INTERNATIONAL CONVENTION AGAINST DOPING IN SPORT** which came into force in 2007 following the ratification of Luxemburg, harmonizes all the rules and regulations concerning doping in all sports and in all countries! Now all the governments, the Olympic Movement and the protagonists of sports are governed by a binding universal legal instrument. Many countries which ratified this Convention have started enacting appropriate legislation to promote the application of the Convention in their respective Nation States.

Encouraged by these healthy and felicitous trends on the one hand, and driven by the dictates of his thought process on the other, the writer seeks to respectfully suggest in his own humble way that a Treaty be created for the betterment of sport and its practitioners and by extension for the progressive realization of the rights and duties for all those in the domain of sport. It is the private persuasion of the writer that the intended proposal will be a historic point of departure to develop and refine the contours of the law of sport. Please be it known that not for a moment does the writer seek to instruct the apex bodies nor to stake a claim or any undue advantage. His intentions are, all in all altruistic so as to be a brick in the wall of fellowship in advancing shared objectives.

In conclusion, an International Treaty may be formulated to include the following aspects mentioned hereunder:

International Treaty on Sport

1. The relevance of sport
2. Sports as an aspect of International Relations
3. Olympism and globalization
4. The importance of International Sports Law
5. Sports as Human Rights
6. Objectives of the Treaty.
8. Equality and non-discrimination in sport
9. Children's rights
10. Women's rights
11. Rights of the disabled
12. Rights of the Refugees.
13. Rights of the Youth.
14. Rights of the Elderly
15. Rights of the sports persons and corporate sponsorship (UNESCO and WIPO)
16. Free movement of sports persons and collective bargaining (ILO)
17. Achievement of Millennium Development Goals(MDGs)
18. Dispute resolution (CAS)
19. Prevention of substance use (WADA)
20. Correlation between the UN and the Olympic Movement
21. Institutional arrangements for the application of the Treaty
 - a) National
 - b) Regional
 - c) International
22. Involvement of the civil society, corporate sector, experts, research institutions, International Sports Federations, the Olympic Movement and Governments.