

STANDING COMMITTEE REPORT NO. 16-129

RE: C.R. NO. 16-62/EXAFF

SUBJECT: RATIFICATION OF THE UNESCO CONVENTION AGAINST
DOPING IN SPORT

JANUARY 26, 2011

The Honorable Isaac V. Figir
Speaker, Sixteenth Congress
Federated States of Micronesia
Sixth Regular Session, 2011

Dear Mr. Speaker:

Your Committee on External Affairs (EXAFF), to which was referred C.R. No. 16-62, entitled:

"A RESOLUTION TO RATIFY THE UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) CONVENTION
AGAINST DOPING IN SPORT AS ADOPTED ON OCTOBER 19,
2005."

begs leave to report as follows:

The intent and purpose of the resolution are expressed in its title.

The said resolution was transmitted to Congress via Presidential Communication No. 16-128. Requesting Congress to ratify the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against doping in sport.

During the Fifteenth Congress, the Committee on Health, Education and Social Affairs (HESA) was in receipt of Presidential Communication No. 15-344 transmitting the Copenhagen Declaration. Mr. Jim Tobin testifying at the Committee hearing on January 21, 2011, stated that the Committee on HESA at that time actually reported on the Copenhagen Declaration on Anti-Doping in Sports, which Congress ratified. This resolution concerns the International Convention Against Doping in Sport, and is different than the Copenhagen Declaration on Anti-Doping in Sports. Nevertheless, this Convention complements the Copenhagen Declaration on Anti-Doping in Sports. In addition, he informed the Committee that there is no required membership fee if FSM becomes a State Party to this Convention.

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The purpose of this Convention is to promote the prevention of and the fight against doping in sport with an effort to totally eliminate doping in sport. Doping is commonly referred to as the "use of performance enhancing drugs to improve sporting performance or training."

Your Committee on External Affairs conducted a hearing on the resolution on January 21, 2011. Witnesses at the hearing included Mr. Jim Tobin and Secretary Vita Skilling. According to Mr. Tobin, Congress needs to ratify this Convention as it concerns FSM athletes who will participate in international sports. This Convention is a legally binding document, which helps to uniformly establish world anti-doping in sports policies. He further indicated that there is a list of drugs that are banned by the International Olympic Committee. Your Committee inquired whether local medicine is amongst those drugs. The Committee was informed that if elements of local medicines are found to be among those prohibited drugs, then it can be considered as a prohibited drug. Your Committee is concerned that becoming a party to this Convention could affect the importation of such banned substance that are needed for patients in this nation. Mr. Tobin commented that ratifying the Convention will affect further development of our FSM athletes and participation in international sports. The Committee further questioned on the penalty applies to those that are found with the banned drugs. The Committee is satisfied that the penalty varies among jurisdictions.

Mr. Tobin testified that there are thirteen countries from the Pacific Islands that have ratified this Convention and are State Parties to the Convention. However, three have not ratified this Convention, namely Fiji, Kiribati and the Federated States of Micronesia. Your Committee inquired why the other two countries (Kiribati and Fiji) have not ratified this Convention. The Committee was informed that Fiji cannot because of its unstable government. As for Kiribati, it is in the process of ratifying the Convention.

By ratifying this Convention, the Federated States of Micronesia must adopt measures and methods to restrict availability of prohibited substances in order to restrict their use in sport by athletes, and harmonize its laws, policies and regulations to ensure that effective anti-doping programs are established in the Federated States of Micronesia in partnership with UNESCO and the World Anti-Doping Agency (WADA).

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The Federated States of Micronesia has already joined the Oceania Region in its efforts to ensure that anti-doping programs are implemented in the FSM. For instance, the Federated States of Micronesia, through the FSM National Olympic Committee, is a member of the Oceania Regional Anti-Doping Organization (RADO). If Congress ratifies this Convention, this will be a good gesture of regional and international cooperation to tackle the problem of doping in sport.

Furthermore, the Federated States of Micronesia will be receiving funding from the World Anti-Doping Agency and other international agencies to assist this nation in its efforts to establish anti-doping programs, and to ensure that anti-doping programs are effectively implemented in the Federated States of Micronesia.

As summarized in several formal and informal communications to the Committee, if Congress ratifies this Convention, the FSM then becomes eligible for direct funding support for anti-doping education, policy and capacity building projects under the Voluntary Fund that has been established by governments and through UNESCO. Only countries that ratify the Convention may apply to the fund and there is currently \$1.3 million available.

What are some of the disadvantages for this Nation if it becomes a State Party to the Convention? On the drug-testing program, additional funding will be needed to assist in the initial establishment of the program, and until funding becomes available, which is a condition of the Federated States of Micronesia becoming a party and participating in international sports events.

Therefore, pursuant to the power of Congress to ratify treaties under section 2(b), article IX of the FSM Constitution, your Committee recommends that Congress ratify this convention. Your Committee also raised a concern on the ratification procedure of this Convention whether the authorized individual from each country must sign it before the ratification process. Your Committee was informed that signing a convention and ratifying a convention occurs at different period of time. The process depends. If any State subsequently expresses its consent to be bound by a Convention, then the State has to undergo the ratification process to accede to the Convention. In order word, FSM can be labeled as a "late comer" to this Convention, and must ratify this Convention so the instrument of ratification can be deposited with the Director-General of UNESCO.

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Your Committee would like to make the following amendments to the resolution:

1. Page 1, line 15, add "s" to "organization".
2. Page 2, line 9, delete "the" before "harmonizing".
3. Page 2, line 12, delete ", now, therefore," and insert "; and" in lieu thereof.
4. Page 2, line 13, delete "BE IT RESOLVED" and insert "WHEREAS," in lieu thereof; and delete "the power of Congress to ratify".
5. Page 2, line 14, delete "treaties under".
6. Page 2, line 15, delete ", and" and insert ", Congress has the power to ratify treaties; now, therefore".
7. Page 2, line 17, delete "Second Special Session, 2009", and insert "Sixth Regular Session, 2011" in lieu thereof.
8. Page 3, line 1, delete "FINALLY" and insert "FURTHER" in lieu thereof.
9. Page 3, line 3, after "purposes" insert "of".

Your Committee on Health and Social Affairs is in accord with the intent and purpose of C.R. No. 16-62, as amended herein, and recommends its adoption in the form attached hereto as C.R. No. 16-62, C.D.1.

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Respectfully submitted,

/s/ Paliknoa K. Welly
Paliknoa K. Welly, chairman

/s/ Tiwiter Aritos
Tiwiter Aritos, vice chairman

Isaac V. Figir, member

/s/ Peter M. Christian
Peter M. Christian, member

/s/ Dohsis Halbert
Dohsis Halbert, member

Setiro Paul, member

Joe N. Suka, member