

THE NEW IAAF ANTI-DOPING RULES; A WAKE UP CALL TO KENYAN ATHLETES

In July 2018, the International Association of Athletics Federations (IAAF) published changes to its Anti-Doping Rules (The Rules). The Rules took effect in January 2019 and carry some changes that will affect all the IAAF's member Federations. The Athletics Integrity Unit (AIU) of the IAAF supported these Rules and the Chair stated that the new Rules would make member Federations more accountable on anti-doping matters. He also welcomed member Federations to work with the Unit to ensure that standards are lifted and a level playing field can be enjoyed by all athletes.

Previously, the AIU could only investigate individuals but the new Rules enable investigations into member Federations for breach of the new obligations. Any Federation found to be in breach will be afforded an opportunity to comply with the obligation, failure to which will lead to a referral to the IAAF Council which may warn, fine or suspend a member Federation. This then means that member Federations must hasten their compliance in accordance with the model described in the World Anti-Doping Agency (WADA)'s International Standard for Code Compliance by signatories. This Code provides a Corrective Action Report which a non-complying member Federation must comply with.

Regarding member Federations, some new obligations have been placed on them. These include: i) a Member Federation must not bring the sport into disrepute in relation to doping, and must not act negligently in relation to the risk of doping; ii) Member Federations must conduct due diligence in relation to Athlete Support Persons they engage; and iii) Member Federations must keep a proper record of medical treatments and supplements it administers to athletes. These obligations cause the Federations to be more accountable and could go a long way in curbing systemic and organized doping as was seen in Russia in 2016 before the Rio Olympics, leading to a suspension of the Russian Athletics Federation. This decision has however been appealed at the Court of Arbitration for Sport.

Member Federations have now been categorised into Category A, B and C. Category B and C Federations must ensure that they take the stated steps to have testing plans for athletes from which their national team for IAAF World Championships or Olympic Games is likely to be selected. They must also ensure dissemination of information and education to athletes and stakeholders on doping and the new Rules.

Category A Federations have more obligations under the Rules. Their athletes must be tested a minimum of three times out of competition prior to an IAAF competition and must provide mandatory education for athletes and support persons in their national teams. Further, they must in place strict selection rules and verifications before hiring or engaging with individuals/staff to work with athletes while maintaining a strict register of such individuals. It is also incumbent upon the Federations to take all necessary steps to ensure that the athletes from their Federations in the IAAF Testing Pool provide complete, accurate and updated whereabouts information. The Federation must also ensure athletes are aware and kept informed of their whereabouts obligations.

The initial designees under Category A are Kenya, Ethiopia, Ukraine and Belarus, meaning that these countries pose a higher risk in terms of their athletes doping. Kenya and Ethiopia

host and train some of the world's greatest track and field athletes who are not subjected to the same rigorous out-of-competition testing as similar athletes in other jurisdictions. This move aims to bring more anti-doping capacity to the East African region. Ukraine and Belarus are in this Category courtesy of the IAAF's opinion back in 2006 when they were termed to be 'high risk' in terms of doping.

Conclusion

As has been previously highlighted, doping and suspicions of doping Kenyan athletes have been on the rise in the past few years, continuously tainting the image of athletes. The classification as a Category A Federation should be a wakeup call for the government, Sports Ministry, Anti-Doping Agency of Kenya, Athletics Kenya and all stakeholders. Just being under this Category means that athletes must undergo at least three out-of-competition tests before the 2019 IAAF Championships to be held in Qatar. Non-compliance carries adverse effects to Athletics Kenya such as fines, warnings or even suspension of the Federation. Such a suspension would force Kenyan athletes in to participate as 'neutral athletes,' something which would aggrieve the Kenyan public which takes a lot of pride in the country's athletes and their achievements.

It is my strong conviction that this really is tethers end on this doping issue for many concerned stakeholders including the Kenyan public. This vice must certainly be reduced with the aim of completely eradicating it before the situation gets completely out of hand.