



Professor offers legal expertise to challenge new IAAF regulations

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SOUTH African law professor Steve Cornelius is willing to provide his legal expertise to Caster Semenya or any athlete that will challenge the IAAF's controversial female classification rules.

Cornelius has joined a growing chorus condemning the amended regulations by resigning from the international athletics body's disciplinary tribunal.

"In my opinion, it is unlawful, definitely in South Africa because it discriminates against women that is just one point and it would be unlawful in Europe for the same reason," Cornelius said.

"I see the Canadian Athletics Federation has just released a statement in which they question the legality of the regulations because I think

they know it would also not hold in Canadian law.

"So, I just took a principled stand for myself to say I cannot sit on a panel where I would have to apply these things knowing there is a problem."

The International Association of Athletics Federations introduced a new policy on April 26 attempting to regulate women that naturally produce testosterone levels above five nanomoles per litre.

For now, the rules are limited to athletes who compete in events ranging from the 400m to the mile.

In a hard-hitting letter to IAAF president Seb Coe, Cornelius hits out against the "antiquated views of the old scandal-hit IAAF".

"On deep moral grounds, I cannot see myself part of a system in which I may be called upon to apply regula-

tions which I deem to be fundamentally flawed and most likely unlawful in various jurisdictions around the globe," wrote Cornelius, who is a professor at the Tuks Law Faculty.

"It would also be unethical for me to devote time and energy to expose the warped ideology behind the new regulations while serving on the disciplinary tribunal."

Athletics Canada said it would hold discussions with government officials and other national sports organisations but believed the "IAAF eligibility ruling requires rigorous review".

On the other side of the spectrum, the European Athletics Council welcomed the IAAF regulations that "seek to facilitate the participation in the sport of athletes with DSDs on terms that preserve fair and meaningful competition in the

female classification".

Cornelius penned a paper before he was appointed to the IAAF's disciplinary tribunal where he voiced his objections to any kind of regulations.

The IAAF appointed Cornelius despite his strong views on the matter which gave Cornelius the impression that the monolithic athletics body was open to change.

"I was quite surprised that they had approached me because I was quite outspoken in that journal article against the IAAF's regulations," he said.

"But I saw it as a sign that they were perhaps moving away from the regulations and when I saw it slowly but surely rearing its head again I was very disappointed.

"Seeing the regulations in its final form is a real disappoint-

ment; years ago when I was a young graduate I drew up legislation with the department of justice.

"Looking at the regulations, it is really a poor piece of work and it will cause a lot of problems as it is."

Before his appointment to the IAAF tribunal, he sat on the Independent Anti-doping Hearing Panel of the South African Institute for Drug-free Sports.

"It was an incredible honour when they approached me and to be confirmed to sit on the panel," Cornelius said.

"It was an acknowledgement of almost 20 years of hard work, but you also need to live with your conscience every night when you get into bed."

Cornelius, who was appointed to the inaugural IAAF disciplinary tribunal in 2017, wrote in his resig-

nation letter he could not in good conscience associate himself with "an organisation which insists on ostracising certain individuals".

"I am confident that history will judge you and the members of the IAAF Council harshly for going down this route," Cornelius wrote.

"I can only do what my own conscience directs, but I do hope that there are others who are in some way involved with the IAAF and who have the courage of conviction to take a strong stand against this injustice which the IAAF will perpetrate against certain female athletes."

Cornelius has deep family ties with Tuks track and field where his brother Danie is the athletics manager at the university while his nephew Neil is the former coach to world long-jump champion Luvu

Manyonga.

He said the IAAF was disingenuous when it suggested that the medical fraternity agreed unanimously that elevated levels of testosterone did indeed give the so-called athletes with Difference of Sexual Development an advantage.

"There is a piece in the British Journal of Sports Medicine which points to severe gaps in the research that has been done and one cannot make valid conclusions based on it," he said.

"Another problem I have is that the research the IAAF relies on, comes from IAAF's own researchers.

"You cannot do your own research and say it is a consensus position, then it reminds me of the tobacco industry of the 1980s where they did research and said tobacco doesn't cause cancer and is not bad for you."

