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FROM THE EDITORS

UNESCO 'declares' universals on bioethics and human rights – many unexpected universal truths unearthed by UN body

A few months ago, we were approached by members of our Editorial Board, as well as others, involved in a new United Nations Educational, Scientific and Cultural Organization (UNESCO) project, namely its *Declaration on Bioethics and Human Rights*.¹ Concerns were raised about an alleged 'confusion' in the scope of the document, as well as questions about the proper domains of UNESCO, versus the World Health Organisation (WHO). It is interesting to note that there has not been much by way of discussion of the various drafts of the UNESCO *Declaration* in the wider bioethics community. There are many ways to read that phenomenon. Interpretations could range from taking this to be an indication of how seriously UNESCO's bioethics related activities are taken by professionals working in bioethics, to possible doubts about the value of such *Declarations*,² amongst others. Indeed, one of our commentators, Prof John Williams, the Director of Ethics at the World Medical Association, writing in his personal capacity, does not hesitate to refer to the members of the organisation's bioethics committee as 'experts' (in inverted commas), seemingly questioning the competence of the writers of the document.³

What is of concern, even to the uninitiated observer, is UNESCO's obvious attempt at meddling in the professional domain of another United Nations (UN) agency, WHO. Whole articles deal with matters of informed consent in biomedical research and therapeutic practice. It is entirely unclear why UNESCO should concern itself with such a matter. Its website proudly proclaims 'UNESCO's leading role in bioethics at the

¹ United Nations Education, Scientific and Cultural Organization (UNESCO), International Bioethics Committee. 2005. *Universal Draft Declaration on Bioethics and Human Rights*. SHS/EST/05/CONF.204/3 REV. Paris, 24 June 2005. UNESCO.

² D. Benatar. The Trouble with Universal Declarations. *Developing World Bioeth.* 2005; 5: 219–223.

³ J.R. Williams. UNESCO's proposed Declaration on Bioethics and Human Rights – an impossible dream. *Developing World Bioeth.* 2005; 5: 210–215.

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international level'.⁴ This is a dubious statement, seeing that the organisation's only claim to fame is its *Universal Declaration on the Human Genome and Human Rights*,⁵ a document sufficiently vague probably not to have made any practical impact on any policy in any country ever. UNESCO tends to hold all sorts of meetings and produces colourful booklets at the end of those meetings. To the best of our knowledge, the professional bioethics community rarely takes notice of these UNESCO pamphlets in peer-reviewed publications. Belatedly, UNESCO has also joined the international research ethics avalanche and conducted its own research ethics days in Africa, in July of this year. WHO has published guidelines for ethics review committees, and so (more recently) has UNESCO. There can be little doubt that UNESCO is overstepping the boundaries of its portfolio within the UN organisation, with the *Declaration* and its current initiatives.

Not unexpectedly, as in any UN document, human dignity and human rights, both strong features of European enlightenment philosophy, pervade this *Declaration*. Considering that the organisation wishes to issue a 'universal framework of principles and procedures to guide States in the formulation of their legislation, policies and instruments in the field of bioethics',⁶ it is surprising that it chose an ideological framework (human rights) that does not feature particularly prominently in professional bioethical analyses. As some of our commentators point out in this issue of the journal, the values claimed to be universal in this document are, in actual fact, nothing of the sort. Some bioethicists have rightly questioned the value of negotiating ethical conflicts within dignity related frameworks.⁷ The same holds true for another favoured concept in this document, namely that of 'vulnerable' people, or groups of people. The stereotyping of whole populations as 'vulnerable' is counterproductive in many ways, not least because it could lead to harmful consequences for people considered to be less 'vulnerable' due to their membership of a group

⁴ United Nations Educational, Scientific and Cultural Organization (UNESCO). 2005. *Ethics: Bioethics*. Paris. UNESCO. Available at: http://portal.unesco.org/shs/en/ev.php-URL_ID=1372&URL_DO=DO_TOPIC&URL_SECTION=201.html [accessed: 6 July 2005].

⁵ United Nations Educational, Scientific and Cultural Organization (UNESCO). 1997. *Universal Declaration on the Human Genome and Human Rights*. Paris. UNESCO. Available at: http://portal.unesco.org/shs/en/ev.php-URL_ID=1881&URL_DO=DO_TOPIC&URL_SECTION=201.html [accessed 11 July 2005].

⁶ UNESCO, *op. cit.* note 1, Article 2.

⁷ R. Macklin. Dignity is a useless concept. *BMJ*. 2003; 327: 1419-1420.

considered less, or not, vulnerable. Still, the current *Draft Declaration* would fit quite comfortably in the time honoured tradition of inconsequential UNESCO proclamations. Our favourite in this quarter is *Article 10*, 'The fundamental equality of all human beings in dignity and rights is to be respected so that they are treated justly and equitably.'⁸ It is a mystery to us which part of this article is a bioethical consideration.

We can only hope that UNESCO member states would ignore *Article 11* of the *Declaration*, exhorting us not to discriminate against individuals or groups on any grounds. Of course, there are all sorts of good reasons to discriminate against individuals or groups of people. For instance, we might choose to discriminate against people based on their racist views and not hire them as equal opportunities officers in our organisation. The key word normally applied to the discrimination matter is 'unjust' discrimination, a crucial distinction that seems to have escaped the authors of this document.

It is the role of UN agencies to formulate policies directed at member states. However, the values and views expressed are nowhere near universally accepted, by professional bioethicists, or by the world community for that matter. For instance, the opinion expressed in *Article 3(b)*, namely, that the interests of the individual are of greater importance than the interests of science and society, are far from universally accepted in the world. Any public health policy designed to reduce or prevent the spread of infectious diseases is likely to prioritise societal interests above the interests of the individuals concerned. While one should be concerned about the proportionality of such measures, surely it is untenable to say that the individual's interest should always have absolute priority over societal interests. Considering that UNESCO claims to declare 'universal principles' here, it is probably fair to say that it got this one wrong. This particular idea is neither a universal principle, nor should it be. Similarly, in *Article 4*, UNESCO is proposing an untenable view with regard to research participants' risks and benefits, whereby the benefits to participants must be maximised and their possible harms minimised. In UNESCO's unqualified wording this would render pretty much all biomedical research impossible, because it cannot be designed to maximise participants' benefits as its primary objective.

For academics it might be disconcerting to know that the authors of this document expect the UNESCO member states to

⁸ UNESCO, *op. cit.* note 4, Article 10.

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promote the principles of the *Declaration* by means of fostering bioethics education. We would be the last to criticise a call to improve and increase bioethics education, but bioethics education with the express objective to propagate sectarian views such as those expressed in *Article 3(b)* is clearly inconceivable.

This brings us to the main crux of a document of this nature. In the absence of an international consensus on many of the material propositions made in the UNESCO document, it is questionable whether such a *Declaration* is called for at present. We cannot help but wonder whether the document is nothing other than an attempt by UNESCO to mark its territory against other UN organisations also working in the field.

Perhaps worthy of debate within UNESCO at this stage, is its very approach to bioethics. Bioethics, as we understand it, is an academic discipline and not a playground for government appointed politician-experts to muse in an inconsequential and arguably not very sophisticated manner about ethics. Everyone concerned might be better off if UNESCO could agree to stop calling its 'bioethics' related activities 'bioethics', and instead gave it some other label. Little of what is taking place within UNESCO under the term bioethics is even recognised by professionals working in the field of bioethics as bioethics.

Perhaps we would be better off not having this *Declaration* at all. However, in the same vein as Prof David Benatar in this issue, it is worth asking whether this *Declaration*, if it became an official UNESCO declaration, would do any harm. The answer to this is: probably not. Nobody in the real world would – justifiably so – take *Article 3(b)* seriously as it stands, and most researchers and research ethics committees would disregard *Article 4*. UNESCO should reconsider. A *Declaration* for its own sake is probably insufficient to justify the expenditure on this flawed exercise.

WILLEM LANDMAN
UDO SCHÜKLENK