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Interpretation and implementation of UNESCO's Universal Declaration on Bioethics and Human Rights

ABSTRACT

The beginning of the 21 century imposes the need of synchronising the practical and the academic approach in the interpretation of bioethical problems and the implications of their solving. Some of the goals of the Declaration are the education of health-care professionals, the creation the infrastructure necessary for biomedical research and the education of the scientists involved in it, and the foundation of ethical committees. The Declaration provides with a legal and political guidelines, whereas for a full justification and development of the its general idea, a philosophical (epistemological and axiological) background as a sustaining meta-theory is much needed. The pluriperspectivity and the multidisciplinary of the integrative bioethics construct a perfect methodological framework for a theoretical justification and a in-depth explication of the most important and the subtlest recommendations of the Declaration.

Key words: Declaration, meta-theory, pluriperspectivity, multidisciplinary

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Introduction

The complex task of identifying, classifying and working on bioethical issues is one of the most elaborate examples of the double nature of human understanding of life. For reason and morality not only obviously meet in the realm of bioethics and the problems of humanity and the man-world relation, but they also combine in an explicit and creative manner, giving both succinct and extensive overview of problems and possible solution, as well as consistent anticipation of possible implications and side-effects of the process of resolving those problems. The modern world faces a number of challenges that have either been inherited from the past, having increased by not having been located and settled, or series of new ones of stunning proportions. When it comes to government - and nation – oriented guidelines for the various fields of the human rights theory and its practical realm, international documents such as the *UNESCO's Universal Declaration on Bioethics and Human Rights* are irreplaceable for a comprehensive study of the on-site ongoing and emerging situations, especially when a joint project of understanding and action of a concise yet broad-ranged set of guidelines and a full-fledged yet expanding multidisciplinary and pluriperspective theory is being established. Therefore, the interpretation and the implementation of the Declaration in the context of Integrative bioethics and as such, in terms of a versatile approach to problems and solutions is perhaps the most favourable way of analysing it meta-theoretically and the most advantageous way of providing and sustaining further guidelines for nations and individuals. For the Declaration has many merits, but they are not undisputed, and the integrative bioethics provides more than a fertile background for interpretation of the proposed manners of organisation and their eventual implications, as well as a theoretical framework for the unavoidable clashes of legal, cultural, scientific and religious positions. While the Declaration has a very extensive coverage of topics, the theory of the integrative bioethics can help attenuate the possible inequities bound to arise because of the differences in the legal, political and economical situations of the countries in the interpretation of the tasks proposed by the Declaration's articles and to channelize the scope of coverage and tackling of issues of human rights and bioethics.

Modern-world Challenges

It could be noted that a sort of 'general opinion' prevails about the present situation of the world – previously known as a generally unpleasant constellation of things and facts, it is believed to be getting from bad to worse, becoming a conglomerate of hatred and greed. This can be observed through the facts of intensifying inequali-

ties and foul distribution of resources and chances, as well as the lack of significant improvements despite the ongoing efforts. The world is not supposed to be pleasant per se, of course. But as far as the average person with existential fears torn between the individual ephemeral condition and the generic immortality is concerned, it cannot be seen otherwise than as an utterly insecure place for completion of missions and fulfillment of dreams, however different and even incommensurable they might be. It is a place left scarred from the past, in the feeble present where the traditional values keep fading, where virtues are forgotten, where the other becomes a burden and not something to which the proper freedom should be dedicated to. New dangers are lurking while the old ones' consequences don't significantly subside, and maybe, after the Holocaust, and the nuclear bombs, and terrorist threats, and governments ready to sacrifice their citizens just for the sake of keeping some status quo, and peace keepers that violate the trust that's been given to them, and the irrationality and the dehumanisation of armed conflicts and wars and all the most gruesome violations of the human dignity, maybe after all that pointless suffering and incomprehensible waste, one is quite right in thinking that it is a pretty horrible world. And of course, we, the participants of the potential generic 'presence-on-Earth', we could agree and leave it to that. And yet, good deeds are so common, we're witnesses of goodness and grace, of high artistic, scientific, cultural and noble achievements. We create life, we evolve and grow and change in so many aspects. And that's where responsibility comes, and the blessings of having taken the role of a superior, an observer, and a doer. And a theoretician. And a critic. Or, just a critic, if all else fails. However, the distinction between »One«, »The People«, »the Human Race«, »Mankind«, presents a problem when used in different contexts, and not only hermeneutically speaking, but because of the political and social implications that it might bring up. One is forcefully reminded of the poem of Carl Sandburg, *I am the People, the Mob*, ending with: »When I, the People, learn to remember, when I / the People, use the lessons of yesterday and no longer / forget who robbed me last year, who played me for / a fool--then there will be no speaker in all the world / say the name: »The People,« with any flick of a / sneer in his voice or any far-off smile of derision. / The mob--the crowd--the mass--will arrive then.« »The People« can work as a concept, but not identified with »Mankind«. And the simple »We« isn't simple at all, considering it must be well explained who and how constitutes the 'we'.

We have our small destinies of compromises, failed aspirations, and questionably satisfying settlements. Or our amazingly great destinies of courage and groundbreaking and new horizons. It is a big question whether the great project of modernism was in fact so great (although admittedly we wouldn't of reached this point

of development without it. Or would have we?). Questions arise like: What gives anyone the authority to teach others how to think or act or even feel; what justifies anyone to label, to judge, to clarify; to ravish, change, dispirit concepts and values? What justifies the big and the »good« (but a strong and good is still not the same man, as Sczymborska observes) to despise and better the small ones, on the other hand, what makes the small or insignificant ones to overestimate, or underestimate themselves? The answer is in responsibility, in the goal of making a difference and the resolution of the modality of conducting in the process.

Responsibility cannot be considered as isolated and self-sufficient. Activism comes in large numbers and change can be analyzed through the big numbers theory. The joint efforts of everyone involved in a proceeding make it, hopefully, a successful one. Plurality, multi-disciplinarity, pluri-perspectivity, multiple choices and wide-spreading consequences, information, rules and patterns, and the spirit of the new, and the passion for more and better make both the core and the moving forces of the progress as we know it today. Therefore, there is no room for misinterpretations, wrong leads and dead ends in the pursuit for the necessary »better«. However, we're perfectly aware of badly calculated actions, things done exclusively for profit, violations gone from bad to worse, deterioration of important heritage, and the epistemological, axiological and practical vacuum that follows such cases, while instant efforts to remedy, to do damage control and start over should come instantly after.

Understanding and Action

The beginning of the 21 century imposes the need of synchronising the practical and the academic approach in the interpretation of bioethical problems and the implications of their solving. The *Declaration on Bioethics and Human Rights* presents an excellent example of understanding of the capacity of self-reflection, perceiving injustice, avoiding dangers, seeking cooperation, and most importantly, assuming responsibility. It also gives an excellent view on the need to understand the new particular situations arising from the rapid development of science and technology, and the need to respect life in general, and, more specifically, life taken into consideration through the concepts of persons and dignity, freedom and rights. The *Declaration* focuses on the necessity of explicitly formulated universal principles, as a foundation and guidelines for the timely and just resolution of problems and doubt arising from the bio-technological, bio-medical, legal and political occurrences.

The *Declaration* gives outstanding synthesis of legal and ethical recommendations, whereas for a full justification and development of the its general idea, a philosophical (epistemological and axiological) background as a sustaining meta-theory is

much needed. The pluriperspectivity and the multidisciplinary of the integrative bioethics construct a perfect methodological framework for a theoretical justification and an in-depth explication of the most important and the subtlest recommendations of the *Declaration*. Because, as enlightening as it is, it does face some problems. For example, while it »addresses ethical issues related to medicine, life sciences and associated technologies as applied to human beings« it does not mention the risks and benefits to humans involved in engineering, and in both social and physical sciences research, according to some criticisms¹ it also seems silent on biosafety: as there are many concerns, from the containment of pathogenic organisms, to protection against radiation hazards, to proper handling of hazardous chemicals, which are especially relevant for developing nations. Governments regulating to protect researchers, research participants and the general public from such hazards would benefit from guidance on the relevant bioethical issues. The development of bioinformatics should also benefit from a guidance of that kind. A considerable international effort has gone into the regulation of biotechnology, based on the special needs created by biotechnological research to deal with uncertainty, but the *Declaration* is unspecific when it comes to the ethical basis of regulation of biotechnology.

It does not slide over the problems of inequity of the global distribution of biological benefits and the risks from science and technology, but isn't too elaborate about them, although, it does, admittedly, help in noticing the need to formulate and solve those problems. As most scientific research is financed by developed countries and controlled by their researchers, and a significant part of the clinical trials are often done in developing nations that face the risks associated with such research, but can seldom afford to use the benefits derived from it. The problem remains the incapability of the developed and developing nations to balance the trial and gain, and often global research does not adequately address the needs of developing nations. While the interpretation of these problems on a bioethical level can be most beneficial, the implementation of some of the prescribed guidelines on these matters presents a bigger problem. The manner and reach of the implementation of these issues must be well planned in a national legal context and, more importantly, in a general far-reaching national strategy which often completely lacks in the developing nations. International effort usually applies well in the non-governmental sector but rarely goes beyond it, or if it does, the national public policies and public don't seem to pick up on the practical importance and necessity of action. The media should

¹ Often discussed at the numerous conferences of the Models United Nations throughout the world. Models United Nations usually give an excellent example of youthful action and ideas as well as a pointer to where the actual United Nations should turn their focus. Also Letters From Readers - John Daly, »UNESCO bioethics—human rights declaration inadequate«, Rockville, Maryland, United States, 27 September 2005. 10 Dec 2009. <<http://www.scidev.net/en/editor-letters/unesco-bioethicshuman-rights-declaration-inadequa.html>>.

also intensify their educational influence and help increase the public understanding of the problems of medical and scientific research and the issue of poor distribution of the means and the benefits of the obtained results the *Declaration* warns about. But for such a joint effort in bettering the public awareness a good collaboration of several levels of authority must be established, which is hard in struggling developing countries.

Bioethics, despite its concern with issues that have profound implications for human life and welfare, has not often been thought of in a human rights context. By the same token, human rights theory has rarely been concerned with bioethical issues. This disconnection has recently been heavily criticised by many health activists, and we are beginning to see some convergence between the two², and the *Declaration* certainly helps in this. There might be identified a discrepancy between the bioethicists who see notions of what makes us human as topics for analysis and discussion, and the human rights specialists who take them for granted, having got into great difficulty trying to sort out, for example, whether abortion promotes human rights or is a direct attack on them, or whether the genetic engineering, nanotechnology and cybernetics would alter people so severely as to make them lose their rights³. The general critic opinion is also about the *Declaration's* failure to represent significant progress in reaffirming human rights principles in the context of 21st-century concerns about biotechnology, the restructuring of health services or the natural environment, focusing on medical care and biomedical research, having made points that are merely simplifications of some of the principles set out in the *Declaration of Helsinki*, which provides ethical guidelines for medical research, or (re)formulating already existent principles of social justice and solidarity relevant to bioethics, and of benefit-sharing in biomedical research and development⁴. Also, critics feel, it will probably be an evidence, if cited in litigation or policymaking, that standards weaker than those in some existing international guidelines (such as the Helsinki Declaration) are legally and internationally acceptable; and it poses, contrary to most aspirational and goal oriented human rights-statements, barely a corpus of decent minimum standards⁵. The minimum standards are an absolute necessity, no matter how 'superficial' some theoreticians might find them, as the basic ground cannot be overly burdened. If anything, the *Declaration* might seem to be

² P. Farmer, (2005), »New malaise: Medical ethics and social rights in the global era,« in P. Farmer, *Pathologies of Power: Health, Human Rights, and the New War on the Poor*, Berkeley, CA: University of California Press, 196-212.

³ N. Bostrom, (2005), In defence of posthuman dignity, in *Bioethics*, 19:202-214.

⁴ Richard Ashcroft, Nothing to declare: UNESCO on ethics, human rights. 02 Dec 2009. <<http://www.scidev.net/en/opinions/nothing-to-declare-unesco-on-ethics-human-rights.html>>.

⁵ Idem. Also, young delegates at the World Model United Nations in Puebla, Mexico, 2008 have debated whether the Declaration isn't just a sort of Helsinki-Supplement.

involving too much, to be too comprehensive: it tries to encompass as much as possible of the relevant topics, making it difficult to cope for integrative bioethics, what with all the different levels and the various aspects bioethics needs to tackle. In the context of human rights, while their theoretical universality is not questionable (as, of course, drafted in the *Universal Declaration of Human Rights*), this *Declaration* faces the same practical problems of control of the extent of practical involvement and probability as the former. Namely, it operates with the concept of human rights associated with and even bind by the concepts of fundamental freedoms and human dignity, both very vague and not yet fully and widely defined. Methodologically, such a connection is more than coherent, but fails in practice perhaps because all three general concepts are too broad and seem to either lack a *genus proximum* or have too big of a *differentia specifica*, which causes serious problems in the implementation of the material of the *Declaration's* articles.

The *Declaration* gets more praised than criticized, however. It does give a precious contribution to global policies by directing the scopes, and limiting the regulating spree; by highlighting the importance of access to scientific and technological information, particularly in developing countries; by insisting on the promotion of the sharing and free flow of scientific information; emphasizing the importance of people being able to access their local genetic resources and traditional knowledge systems; and stressing, for instance, the importance of obtaining prior informed consent from participants in scientific research. Many scholars and activists (as well as, of course, its advocates) feel that the *Declaration* is a sheer, much needed response to the stressing issues of the century, finding it »especially important in these times when many marginalized peoples all over the world have no support and think the world is simply exploiting them for medical science«⁶, that it encourages governments to set up ethics committees to assess scientific developments, and stresses the need to help keep the public informed and encourage public discussion of bioethics issues, and that, although guidelines on ethical and human rights issues exist, this is the first time the two subjects have been combined in a single document aimed at governments⁷ (as the *Helsinki Declaration* on research ethics is adopted only by the World Medical Association, a professional organization). Even the advocates stress the need to be careful when it comes to developing countries: for example, Udo Schüklenk, editor of *Developing World Bioethics*, thinks that a big concern is that if developing countries endorse the declaration in its current form they could put their citizens at risk, unless they are prepared for its subtle

⁶ The opinion of Carolyn Stephens, a lecturer in ethics, human rights and public health at the London School of Hygiene and Tropical Health, 02 Dec 2009. SciDev.Net <<http://www.scidev.net/en/news/unesco-guidance-on-ethics-and-human-rights-slammed.html>>.

⁷ Henk ten Have, the director of UNESCO's division of ethics of science and technology, 02 Dec 2009. SciDev.Net <<http://www.scidev.net/en/news/unesco-guidance-on-ethics-and-human-rights-slammed.html>>.

meaning, because, »unlike developed countries, they are less likely to be equipped to undertake a comprehensive analysis of the practical implications of a given UN document«⁸, in which case, the consequences could be disastrous for developing countries' capacity to respond to public health emergencies or their attempts to build up functional biomedical research infrastructures.

The journal's articles (*Developing World Bioethics* 5 (special issue), (2005)) vary in the strength of their criticism: John Williams, the World Medical Association's director of ethics, calls the declaration a »major disappointment« and questions the merit of UNESCO involving itself in an area about which it has no expertise, and which falls under the mandate of another UN body, the World Health Organization; Matti Häyry and Tuija Takala at the UK-based University of Manchester say the *Declaration* unnecessarily limits the scope of bioethics to life sciences and their practical applications, while bioethics also includes political and ideological choices, which in turn are based on preferences, religious beliefs, cultural convictions, and philosophical views. The journal's editorial by Schüklenk and co-editor Willem Landman states that values the *Declaration* claims are universal are »nothing of the sort« and that some of the document's principles are in direct conflict with others. Several authors point out that terms such as 'human dignity' are undefined and lack clarity, as a result (according to Williams) of, in part, UNESCO's haste in drafting the *Declaration*, but theoreticians disagree on this, as 'person', 'human being' and 'human dignity' are very blurry concepts that definitely need further work on, by philosophers, sociologists, scientists, politicologists etc. Atsushi Asai and Sachi Oe of Japan's Kumamoto University believe the *Declaration* should »be regarded as an up-to-date and well-organized compendium of bioethical knowledge«. Ruth Macklin at the Albert Einstein College of Medicine, United States, agrees that the document's strengths outweigh its weaknesses. Answering to the criticisms, UN officials state that they are the unfortunate product of misunderstanding of the way UN agencies work, and (Henk ten Have), that, rather than promoting 'academic' bioethics as this journal editors do, UNESCO aims to use its guidance, »to educate healthcare professionals and young scientists in ethics, to establish ethics committees, and create an infrastructure for bioethics«.

Pluriperspectivity in Integrative Bioethics

That is why the integrative bioethics should work as a bridge, not to the future this time, or not only to the future, but between the theoretical realm of thought and

⁸ Priya Shetty, UNESCO guidance on ethics and human rights slammed, 6 September 2005, *Idem*.

the practical realm of on-site problems, offering, as Ante Čović puts it, more an *orientation* than established invariable final objective truths about life. International documents are crucial to the implementation of some of its imperatives, but the theoretical background, its evolving and spreading, must continuously help diminish (if not, of course, eradicate) the constantly arising practical problems. The integrative bioethics supplies orientation for answers to some of the key questions of humanity as a whole now, and as a starting point for the future (again, »the future generations«, a point the *Declaration* addresses), in which sense, Čović holds that all the disciplines and perspectives integrated into the bioethical field have an »orientative value«, and that all of them can make »contributions to the interactive development of the orientation«, being a »pluriperspectival field, in which footholds and measures for orientation in the questions concerning life or the conditions and circumstances of the life-preservation are being created through interaction of diverse perspectives.«⁹, mentioning a very important point (especially when it comes to delicate countries-peoples-conflicts-related questions), the goal of integrative bioethics of nurturing and articulating the growing bioethical sensibility,¹⁰ stating that the integration of different (and all) topics and issues concerning *bios*, and the integration of different (and all) approaches to these topics and issues is the underlying presupposition of integrative bioethics, which, concentrated as an axiological constantly improving background to the *Declaration* and its implementation, can work wonders.

It can be noticed how the problems that the *Declaration* tackles, are completely compatible to some forms or stages of the methodological growth of bioethics: such as the origin of it, the focus on medical ethics at one point (Callahan, Beauchamp and Childress, Singer, and Kuhse¹¹). The *Declaration* dominantly focuses on biomedical related problems, and the widening of their definition, status and direction; the »Bioethics« lexicon-type entry written by Otfried Höffe in his *Lexicon of Ethics* defines it as: »(...) understood to be an interdisciplinarily founded science of survival, whose main aim is to build bridges between the humanities and the natural sciences. Directed against a merely instrumental approach to nature, bioethics discusses the economic, social, political and cultural presuppositions of people's rela-

⁹ Ante Čović & Thomas Sören Hoffman (eds.), *Bioethik und kulturelle Pluralität. Die südosteuropäische Perspektive*, Academia Verlag, Sankt Augustin, 2005, 150-151.

¹⁰ Ante Čović, »Wissen und Moralität«, *Synthesis philosophica* 26 (2/1998), p. 565.

¹¹ Daniel Callahan, »The Development of Biomedical Ethics in the United States«, in: D. Callahan & G. R. Dunstan (eds.), *Biomedical Ethics: An Anglo-American Dialogue*, New York Academy of Sciences, New York, 1988, 2.; Tom L. Beauchamp & James F. Childress, *Principles of Biomedical Ethics*, Oxford University Press, New York, 1994; Helga Kuhse & Peter Singer, »Introduction«, in: H. Kuhse & P. Singer (eds.), *Bioethics. An Anthology*, pp. 1-7; Helga Kuhse & Peter Singer, »What Is Bioethics? A Historical Introduction«, in: H. Kuhse & P. Singer (eds.), *A Companion to Bioethics*, 3-11.

tionship to nature. Extended to the field of *biomedical ethics*, it deals with moral questions of birth, life and death, particularly in the light of the more recent developments and possibilities introduced by biomedical research and therapy. It researches, amongst other things, the moral dimensions of abortion, sterilisation and birth control, (genetic) manipulation, euthanasia, experiments on humans (...), as well as animal protection.¹² The »Bioethics« entry, written by Daniel Callahan for the second edition of the *Encyclopedia of Bioethics*, interprets the birth of bioethics as the result of the synergy of the extraordinary technological progress in the field of biomedicine and the gradual awakening to the environmental hazards posed by the human appetite for economic progress and the domination of nature¹³, becoming »a child of remarkable advances in the biomedical, environmental, and social sciences«, concerning »our common duties to each other and to nature«.¹⁴

Integrative bioethics gets explained through multi-, inter- and trans-disciplinarity, and pluriperspectivism, giving a wide, stable ground for interpretation of all the crucial and subtle points and issues of the *Declaration*. The concepts of multidisciplinary, interdisciplinarity and transdisciplinarity refer, respectively, to: the gathering of all human sciences and professions relevant to bioethical issues; the necessary promotion of dialogue collaboration; and the incorporation of their differences in a unique, bioethical view focused on questions that are impossible to discuss, and possibly, solve, through single fields of knowledge, without the interrelation of multiple perspectives.

The preservation and encouragement of the diversity the *Declaration* points out, gets fully accounted for in the integrative bioethics, a pluriperspective field of study, incorporating and mediating the dialogue of scientific and non-scientific or beyond-scientific contributions, being perfectly aware (as it is auto-reflective) of the sometimes colliding modes of interpretation, the different traditions and modes of reflection and action, and the different, precious traditions of thought, culture, religion, law and politics.

The fact that bioethics works with ambitious concepts, aiming way beyond its own present limitations is essential to the overcoming of verbal and practical problems that the implementation of the *Declaration* might trigger, and the overcoming of the epistemological and axiological problems its complex structure and framework face. And, finally, when it comes to the helping background (both protective and critic),

¹² Otfried Höffe, »Bioethik«, in: O. Höffe (ed.), *Lexikon der Ethik*, Beck, München, 1997, 28.

¹³ Daniel Callahan, »Bioethics«, in: Warren T. Reich (ed.), *Encyclopedia of Bioethics*, Vol. I, Macmillan, New York, 21995, 248.

¹⁴ Idem., 247-248.

that the integrative bioethics provides to the *Declaration*, it becomes irrelevant the much abused fact that the talk of integrative bioethics is only logical due to the non-existent consensus on either its definition or footholds, as the methodological aspect gets rightly emphasized.

Conclusion

Facing the challenges of the rapidly evolving world torn by conflicts and inequalities; getting into account the disparity of the nature of the identified problems and the nature of their possible solutions; considering the need for a comprehensive set of guidelines for nations and governments as well as for smaller scientific communities and the non-governmental sector, it is necessary to acknowledge the merit of the guidelines provided by the *Declaration*. The theoretical background of integrative bioethics, concerning both the main core and the subtle details of the *Declaration's* implications is much needed for a more successful apprehending of the pressing existential issues of mankind, including its safety, dignity and future.