



United Nations  
Educational, Scientific and  
Cultural Organization

**ASSISTING BIOETHICS COMMITTEES PROJECT of UNESCO**  
**2009**

**FIRST TRAINING: WORKING METHODS**

Kenya, 16-18 November 2009.

**Background**

Kenya has expressed its willingness to establish a National Committee on Bioethics. Currently, The National Council for Science and Technology hosts the National Ethics Review Committee, which is mainly devoted to research ethics. Nonetheless, the National Council has expressed a wish to broaden the mandate of this Committee so that the body can deal with different bioethical issues at a national level, becoming an advisory body on bioethics.

This workshop was the first activity in the Assisting Bioethics Committees (ABC) Project following the establishment of the National Bioethics Committee. The venue was the Sarova Lion Hill, Lake Nakuru National Park. The objectives of this visit to Kenya were:

- a) To sign the MoU between UNESCO and the Ministry of Higher Education, Science and Technology in order to formally start the collaboration in the context of the ABC project.
- b) To conduct the Training in Working Methods

**Participants**

Dr. Simon Langat organized the activity and invited Hon. Asman Kamama, Assitan Minister for Higher Education, Science and Technology to inaugurate it and to be

present at the signature of the MoU. Unfortunately, he was away but he sent his deep apologies and asked Mr. Peter Nyakundi, Senior Deputy Secretary to read his speech on his behalf and to formally open the workshop.

Dr. Langat invited all the members of the current Health Science Specialist (Bioethics Committee), as well as representative from other institutions, such as Kenyatta National Hospital Research Ethics Committee, KEMRI, AMREF, Moi University, Aga Khan University, Great Lakes University of Kisumu, and Egerton University. Some of those people will remain at the Committee as a national body and others will continue working at the research ethics institutional committees but according to Dr. Langat it was very important for them to be present and understand the role of the National Committee and the future relation with the institutional bodies.

The expert team that conducted the workshop consisted of:

Professor Dr. Hans Van Delden. Professor of Bioethics Utrecht University, the Netherlands

Dr. Dafna Feinholz Klip - Former Executive Director of the National Commission of Bioethics in Mexico. Per October 1: Chief of Section Bioethics. UNESCO. Paris.

Professor, Dr. Christophe Dikenou. Professor of Ethics, University of Lome, Togo and Regional Programme Specialist for the Ethics Programme, UNESCO, Dakar Office, Senegal.

Please see Appendix for the complete list of participants.

## **Discussions**

The objectives of the Workshop were:

- Clarify the role and mission of the committee
- Develop clear working methods
- Draft Rule of procedures
- Develop policy for records management
- Develop policy for public information
- Develop policies for networking.

The participants worked in groups in order to achieve these objectives.

Issues that were mentioned concerning research ethics included the presence of members in committees that have overly strong personal beliefs regarding certain issues, such as men having sex with men, making it very difficult to review certain research protocols. Other examples of difficulties in evaluating projects can be described as possible cases of “double standard,” and concern protocols in which genetic samples are asked to be stored to be used in future studies without giving any further detail.

There was concern related to how to differentiate between cultural sensitivity and cultural relativity and if there is such a thing as bioethical colonialism.

When speaking about the role of the chair, many questions were raised regarding legal issues, such as if the chair could have legal authority to stop a research project and decide about sanctions to researchers.

When discussing the possible mission of the Committee, and referring to UNESCO's guide, the question of traditional healers was raised. Some participants wondered if they were included when talking about achieving better health care delivery and relationship. The main concern was that traditional healers are not regulated at all, but they are very popular among the population. Many participants expressed doubts about the quality of their job. Since this issue was also discussed by Ghana National Bioethics Committee, it was recommended that the Kenyan NBC get in touch with the Ghana National Committee in order to exchange points of view.

Another issue which poses difficulties in many countries (as well as in international cooperation) is the decision on how to deal with different bodies that review research in the same country and may have different recommendations on the same protocol. Also, a debate took place about the role of the Committee in cases of dispute between the RECs, or between researchers and RECs. Initially, some of the participant thought the Committee should act like a kind of referee, but eventually the group decided that should not be the role of the National Committee.

There was also a rich discussion around the kind, type and level of information that should be included in the minutes. There were some worries about the vulnerability of the members since the topics to be addressed can be very sensitive. Some participants were asking questions trying to find out if they could be sued and if there was any clause in the Act that created the Committee as part of the National Council of Science and Technology to protect them in such a case. Clarification by the Council's staff was made that if there is any law suit, it is against the whole Council, not against one person. It was also clarified by the speakers that when minutes are clear about reasons and arguments and present thoughts and ideas without names, then they should not be worries about legal issues.

It is worth mentioning that one of the conclusions reached spontaneously by the participants as a result of the discussions, was that there is a need for a legal system or legal mechanism that guarantees the independence of the Committee and its decisions. It was also a reinforcement of the need for free deliberation and debate without trying to please anyone with the final conclusions.

When discussing the possible tension between the government and the Committee as a result of public declarations of the Committee on sensitive issues, many arguments in favor of not subjecting the committee to censorship were made. One participant pointed out that it could be even helpful for the government itself if there were some doubts regarding the best way to handle a particular issue. It was recalled that society expected valid argumentation and clear explanation when the IVF technologies were first discussed in the country.

The issue of public meetings and external observers present during the NBC meetings became a contentious issue since some members were very reluctant to accept observers and having open meetings, while many were in favor of them in order to be coherent with their idea of being a public forum and also for transparency.

Conflict of interest was an interesting topic discussed and the group came to a quite original solution for their situation. Being aware of the dangers of conflict of interests arising from a dual membership (of the National and any other committee dealing with bioethical issues), participants still recognized the shortage of well trained people and expressed concern about including persons in the National Committee that have no experience or training. The solution was seen in the rules of procedure.

### **Workshop Outcomes and Conclusion**

The participants decided on a name for the Committee: Kenya National Bioethics Committee (KENBEC). They also drafted the definition of the mission, the role and the mandate of the Committee. Moreover, a list of specific roles of the Committee was elaborated.

The participants drafted the first version of the rules of procedure which include policy for record management and public information. A very rough draft produced at the meeting will be finalized by January 2010. The first clean draft with editorial work was distributed to participants in December in order to receive their input the next two weeks. The final version will be uploaded on line when approved by the group.

At the end of the meeting, Dr. Langat expressed the wish of all participants to develop bioethics in Kenya; the first steps in that direction include following the IBC meeting and the establishment of the Regional Documentation Center in Egerton University. There are opportunities to develop training programs in collaboration with the Regional Center, to develop publishing capacity, and to turn the Association of Bioethics into a regional reference in bioethics. Some of the participants were also very interested in networking both regionally and internationally with other national bioethics committees. Dr. Langat mentioned that he expects that for January, the definitive Committee will be able to meet, that the members will have their appointment letters and there will be an official announcement of the launching of the Committee.

## Appendix: List of Participants

No.	Name	Institution
1.	Peter J. Ojwang	Aga Khan University, Nairobi
2.	David Njubi	NCST
3.	Dr. Simeon Mining	Moi University
4.	Roselida Awuor	NCST
5.	David Ayuku	Moi University
6.	Dr.Lucy Maina	Kenyatta University
7.	Prof.Duncan Ngare	Moi University
8.	Dr.Hastings Ozwara	Institute of Primate Research
9.	Hellen Mbugua	MOMS
10.	Anastasia Guantai	KNH/UDNERC
11.	Rev.Boniface Obondi	GLUK
12.	Edward Abwao	PPB
13.	John Arudo	Aga Khan University
14.	Prof.Kiriana Bhatt	UON/KNH
15.	Said Hussein	NCST
16.	G.P.Kalerwa	NCST
17.	Dafna Feinholz	UNESCO
18.	Dikenou Christophe	UNESCO
19.	Dr. Simon Langat	NCST
20.	Yvonne Machira	AMREF – KENYA
21.	Dr.Karori Mbugua	University of Nairobi
22.	Prof.Moses Limo	Egerton University
23.	Robinson Njoroge	Aga Khan University
24.	Dr.Festus Ilako	AMREF
25.	Hans V Delden	UNESCO