



United Nations
Educational, Scientific and
Cultural Organization

SHS/EST/ABC/REP/06

UNESCO ASSISTING BIOETHICS COMMITTEES PROJECT
2007

Meeting with the Malgash National Commission for the Ethics of Science and Technology (CMEST), Antananarivo, Madagascar, 20-25 June, 2007

Background

The mission to Madagascar was undertaken to realise the objectives of the ABC Project ('Assisting Bioethics Committees'). Madagascar is one of the first African countries having indicated the wish to participate in this project. The objectives of this project are: To create a national bioethics committee in 12 Member States (Objective 1); to enhance the functioning of the committees established (Objective 2); and, to train members of established committees (Objective 3).

The process of establishing a National Ethics Committee on Madagascar started in January 2006, and may be divided into five 'etapes':

'Étape' 1: January 2006

Meeting between the Ambassador, permanent delegate of Madagascar to UNESCO (REPERMAD), and Henk ten Have, Director of Division of Ethics of Science and Technology, SHS, UNESCO, and correspondence between the two parties as follow up of this meeting.

'Étape' 2: February 2006

Meeting between REPERMAD and the Malgash National Commission to UNESCO (CNMU) to discuss where to locate a National Ethics Committee. Selection of the Academy of Madagascar as the suitable institution. Four reasons determined this choice:

- The Academy is an institution with recognized high moral standing nationally as well as internationally
- It is an independent institution
- It is a multidisciplinary body
- It has a capacity of 'overture' towards other institutions and/or resource persons
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'Etape' 3: February – April 2006

Contact established with the Academy. Meeting between the President of the Academy and REPERMAD/CNMU, based on the two UNESCO guides of bioethics committees.

'Etape' 4: May-September 2006

Preparatory work of the Academy:

- Presentation of the ABC project to the members of the 'Assemblée Titulaires' of the Academy
- Establishment of a preparatory working party (meeting 7-14.09.06)
 - plan elaborated for a National Committee for ethics in science and technology, *including bioethics*
 - elaboration of 'textes de base' for such a committee (based on the two UNESCO bioethics committee guides)
- Meeting between the President of the Academy and the Minister of Health
- Presentation of the suggestions of the working party to the Executive Board of the Academy (26.09.06)

'Etape' 5: October 2006-February 2007

Validation of the project plans by the 'Assemblée Titulaires' of the Academy:

- October 3, 2006: Decision made to form an Executive Board of the Committee (with 7 members). Nomination of 5 members of the Board.
- November 7 2006:
 - Approbation of the 'textes de base' (statutes and 'règlement interieur')
 - Nomination of two more members to the Executive Board
 - Nomination of the other members of Comité Malgache d'Éthique pour les Sciences et les Technologies (CMEST) by the four Sections of the Academy and by 'Membres Titulaires' of the Academy.

The first meeting of the Executive Board of CMEST took place on February 12th 2007 and the first meeting of the whole committee (23 members, four out of which are women) took place on February 16th 2007. Since February 16th CMEST has met three more times, on March 20th, April 24th and May 22. The meeting in March was organized around five presentations by members of CMEST and invited speakers, followed by discussion:

General Introduction:

- Sciences, Technologies et Éthique
- Éthique, Déontologie et Morale Appliquées aux Sciences et Technologies'
- Éthique et Développement

Discussion

Practical cases from Madagascar:

- Expérience du Comité de Bioéthique auprès du Ministère de la Santé
- Dimensions Éthiques des Recherches en Pharmacopée Traditionnelle

Discussion.

The meeting in April was organized around the topic 'Contexte National et international des activités du CMEST', with one presentation on the three UNESCO declarations followed by two 'national' presentations on 'Society and Ethics' and 'Ancient and Modern Malgasy Values Facing Sciences and Ethics'.

Also the third CMEST meeting in May was organized around the topic 'Contexte National et international des activités du CMEST':

- Déclaration Universelle des Droits de l'Homme
- Éthique et Droit
- Éthique et Administration Publique

Between the ordinary meetings of CMEST the Executive Board has met several times.

Participants in the meeting on June 21-22:

Madame Marie-Helene Mouneyrat, Secrétaire Générale of the Comité Consultatif National d'Étique in France and Jan Helge Solbakk, Chief of Bioethics Section, EST/SHS, UNESCO. Participants in the meeting from Madagascar were members of CMEST.

Day 1
Morning Session

Meeting June 21:

The meeting was opened by Dr. Rajaona Andriamananjara, chairman of CMEST. After his welcome remarks and apologies for the noise caused by the construction work at the Academy, the draft agenda for the meeting was adopted followed by a presentation of the UNESCO team and the members of CMEST.

The morning session was organized around three presentations followed by discussion.

First presentation:

Activities of the Division of Ethics of Science and Technology, SHS, UNESCO, with particular focus on 'The promotion and application of the Universal Declaration on Bioethics and Human Rights', by Jan Helge Solbakk

Second presentation:

The work experience of the Comité Consultatif National d'Étique in France, by Marie-Helen Moynerat.

In her presentation Madame Moynerat emphasized the international obligations of the French NatCom. Furthermore, she underlined the importance of involving more women in this kind of work (For the time being in the French NatCom only 13 out of 40 members are women). The meetings of the French NatCom are open. Plenary meetings are held every month except in July and August and meetings of the 'comité technique' are held at regular intervals as well.

Other items highlighted by Madame Moynerat were:

- The importance of multi-disciplinarity and pluralism
- The art of communicating with the media (the problem that journalists have little time; that they want short answers as well as answers in black and white; that they look for conflicting stories or sensational stories)
- The importance of involving young people in ethics debates through the creation of fora where they can express their views, visions and concerns á propos ethics.
- The World Summit of ethics committees in Paris in September 2008, and the ambition of the French NatCom to make it possible for representatives of ethics committees in Africa to attend the summit.

Third presentation:

UNESCO's project of Assisting Bioethics Committees, by Jan Helge Solbakk

Discussion:

Q1: UNESCO is an intergovernmental organization. Is it then not appropriate that the members of IBC should not only represent themselves but also their member states?

A1: The difference in terms of representation in IBC and IGBC was explained.

Q2: Should members of an ethics committee be remunerated/paid for their work?

A2: There are different practices in different countries with respect to this. The members of the French NatCom or the Danish Council are not paid while for example the members of National Ethics Advisory bodies in Norway are paid. The money dimension in the 'fabric' of ethics committees is a very delicate matter.

Q3: What are the conditions for entering the ABC-project?

A3: As soon as a National (Bio)Ethics Committee has been publicly inaugurated and a Memorandum of Understanding between the NatCom and UNESCO has been signed, the ABC project may start.

Q4: The role of consensus versus dissensus within a committee. According to Article 7 of the Statutes of CMEST, the 'avis' and/or recommendations of the committee should be reached by consensus. In spite of this ideal ambition, it is emphasized in the same article that the members of CMEST shall have the freedom to express his or her 'disaccord' with the views of the majority.

A4: Full consensus in a committee may not always be the best option. If for example *promoting public awareness and debate* is seen as an important role for a committee, then lack of full consensus within a committee may prove to communicate more efficiently in the public sphere. If, on the other hand, *guidance* is viewed to be the primary task of the committee consensus may seem to represent a better option.

Q5: The autonomy of a committee with respect to selecting items and topics for work. Who should decide the working agenda of a committee with respect to selection of topics? Governmental authorities? The committee itself? Researchers? The public?

A5: In France, any citizen, including the President, can ask the NatCom to address a particular topic. The answer to this question depends on the way the following question is answered: To whom is or should the committee be responsible?

Q6: Should the works of ethics committees always be made public? What about the situation where the Government ask the committee for advice in a - politically speaking - very delicate matter?

A6: It is exactly in such situations that the committee's alleged independency is put to the taste. It seems justified to say that under no circumstances should a committee sacrifice its independence in order to meet the expectations of the political authorities in the country or in order to influence policy decisions in a more efficient way. The success of a committee depends on its ability to maintain confidence in relation to the general public, as well as other stakeholders.

Q7: Is the problem of development and ethics a relevant issue only for ethics committees in developing countries?

A7: If we look at international publications and international ethical guidelines in the fields of bioethics and in ethics of science and technology throughout the last ten years, one striking characteristic is the prevalence of experiences and topics originating from developing countries.

Day 1 **Afternoon session**

During the afternoon session only members of the Executive Board of CMEST took part in the meeting with the team from UNESCO.

First presentation: Past and present activities of CMEST

The afternoon session started with the chairman of CMEST giving a presentation of past and present activities of CMEST. As the main content of this presentation is already described in

the first paragraph of this report (see 'Background' above), only a few additional points is reported here:

- The president of the Academy becomes automatically the chairperson of CMEST
- CMEST has a broader mandate than a bioethics committee. This is reflected in the multidisciplinary composition of the committee:
 - Economy (1 member)
 - Veterinary medicine (1 member)
 - Medicine (3 members)
 - Law (2 members)
 - Fiction (1 member)
 - Pharmacology (1 member)
 - Anthropology (1 member)
 - Theology (2 members, 1 theologian being trained in anthropology as well)
 - Physics (1 member)
 - Engineering (1 member)
 - Biology (1 member)
 - Administration (1 member)
 - Mathematics (1 member)
 - Nuclear physics (1 member)
 - Philosophy (1 member)
 - Communication (1 member)
 - Civil Society (1 member)
 - Sociology and oral literature (1 member)
 - Pedology (soil science, 1 member)
 - Pedaogics (1 member)
- While the members of the first CMEST (the first period of three years) was elected by the 'Assemblée Titulaires' of the Academy, the committee members for the next period will be elected by the chairperson of CMEST, after nomination by the four sectors of the Academy and the members of the 'Assemblée Titulaires'. Each member can be elected for two consecutive periods of three years. Members of the Executive Board can be elected for two consecutive periods of four years. The president of the Academy and a representative of the National Commission of UNESCO are automatically members of CMEST. The chair of CMEST can be chair only as long as he/she is President of the Academy.
- CMEST has two secretary generals, one for international affairs and one for domestic affairs. Both are members of the Executive Board of CMEST. As the work of CMEST develops further it will be necessary to create a separate secretariat for CMEST in the Academy.
- The reason why the meetings of CMEST are closed is to give members the opportunity to speak open and freely as committee members.
- The existence of CMEST will be made public at the end of 2007, in connection with a National Ethics day dedicated to the problem of 'Responsibility and progress in science and technology' (see 'Plan d'action' below).
- According to article 6 in the statutes CMEST has three work languages: Malgash, French and English

Second presentation: 'Plan d'action' of CMEST 2007-2009

2007

- Elaboration du manuel d'opérations et mise en place du Secrétariat du CMEST

- Etat des lieux des connaissances dans les domaines d'action du CREST et établissement de relations de travail avec les autres comités malgaches d'éthique
- Constitution d'une unité de documentation dans le domaine de l'éthique des sciences et des technologies et acquisition d'ouvrages et de documentation (UNESCO et Georgetown *University*)
- Auto-formation/information continue des membres
- Tenue des sessions et publication des avis
- Organisation d'une journée nationale de l'éthique

2008

- Activités « régulières » à réaliser chaque année :
 - Tenue des sessions et publication des avis
 - Echange d'expériences avec les comités des autres pays
 - Acquisition d'ouvrages et de documentation (UNESCO et Georgetown University)
 - Auto-formation/information continue des membres
 - Sensibilisation et information du public sur les aspects éthiques des sciences et des technologies
 - Promotion du CREST
 - Sensibilisation/encouragement pour la création de modules et/ou filières en éthique
- Renforcement du Secrétariat
- *Global summit 2008* (Bring chairperson and secretary)
- Organisation d'une journée d'envergure sous-régionale (Océan Indien et Eastern and Southern Africa) sur l'éthique des sciences et des technologies

2009

- Activités « régulières » (cf 2008)
- Organisation d'une journée d'envergure régionale (Afrique) sur l'éthique des sciences et des technologies

BESOINS DU CREST

- Documentation
- Appui à la publication
- Mise en contact avec les autres comités/réseaux
- Appui à l'élaboration du manuel d'opérations
- Matériel et équipement pour le Secrétariat du CREST
- Auto-formation/information continue des membres
- Financement de rencontres nationales et/ou internationales et de visites d'études auprès de comités opérationnels
- Information du CREST sur les tendances émergentes des problèmes d'éthique des sciences et des technologies au niveau international

Discussion:

Q1 : According to CREST, which are the big/important issues in need of being addressed ?

A1 : This is a tentative list of topics CREST plans to address :

- Environmental ethics (eco-ethics, industrial pollution)
- Intellectual property
- Ethics teaching (on what level, in which schools?)
- The ethics of responsibility
- Ethics of Science and Technology
- The ethics of using internet
- Bioethics
- Tourism (including sex tourism)
- Traditional pharmacology and medicine
- Organ trafficking
- Biopiracy

Q2 : How does CMEST prefigure its relationships with other existing ethics committees in the country ?

A2 : First and foremost it aims at mutual information to avoid work-overlapping (e.g with the Ministry of Health's Committee on Bioethics). Secondly, exchange of experiences. Eventually in the future, CMEST may take on the function of a coordinating body.

The last part of the afternoon session was dedicated to a discussion of elements of a draft Memorandum of Understanding between UNESCO and CMEST (see below, Day 2).

Day 2

Morning Session

Also the morning session of Day 2 was confined to the members of the Executive Board of CMEST and the UNESCO team. The first part of the morning session was dedicated to a discussion of the statutes and 'règlement interieur' of CMEST. The following issues in these two 'textes bases' were highlighted:

- Statutes, article 4: Composition – nomination, and the possibility of including a sentence on a minimum 1/3 representation of women
- Statutes, article 7: The role of dissensus and minority votes
- Statutes, article 6: Closed meetings and the importance of transparency. The possibility of including in the statutes a sentence on transparency to balance the practice of 'closed' meetings
- 'Reglement interieur', article 5: The possibility of including a sentence on the President's responsibility vis-à-vis media and the public (in stating the views of CMEST) versus the freedom of each member to express in public personal views when in opposition to the majority opinion of CMEST.

The rest of the morning sessions was dedicated to a preliminary discussion of a draft Memorandum of Understanding between UNESCO and CMEST (for this draft, see below).

Day 2

Afternoon Session

Plenary Session

The chair of CMEST started the afternoon session by informing the members of CMEST of the outcome of the previous day's afternoon session with the UNESCO team. Most of the

afternoon session was dedicated to a presentation of a suggested 'plan d'action' of CREST for the period of 2007-2009 (see above) and the draft Memorandum of Understanding between UNESCO and CREST. The MOU is attached as Annex to this report. The draft 'plan d'action' and the draft Memorandum of understanding were approved by acclamation of CREST.

Before the closure of the meeting by Dr. Rajaona Andriamananjara, chairman of CREST, Madame Moynerat and Mr. Solbakk, expressed their gratitude to the hosts and organisers for the fruitfulness of this meeting, and emphasized how impressed they were by the quantity and quality of the work having already been done by CREST, including the detailing of the statutes and the 'règlement interieur'. Dr. Rajaona Andriamananjara ended the meeting by expressing his gratitude to the Division of Ethics of Science and Technology for having taken this initiative and for the possibility of further collaboration with UNESCO within the context of the ABC project as well as within other relevant domains of ethics in science and technology.

ANNEX MEMORANDUM OF UNDERSTANDING

This Agreement is entered into, on the _____ day of _____, 2007 by and between:

- (1) UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION, AN INTERNATIONAL ORGANIZATION, Address: _____ P.O. Box No. _____, Tel: _____ Fax: _____. (Hereinafter referred to as "UNESCO"), duly represented by Mr / Dr _____, or his designee of the one part,

AND

- (2) MADAGASCAR'S COMMITTEE FOR ETHICS OF SCIENCE AND TECHNOLOGY ("COMITE MALGACHE D'ETHIQUE POUR LES SCIENCES ET LES TECHNOLOGIES": CREST), established within the "ACADEMIE MALGACHE" (MADAGASCAR'S NATIONAL ACADEMY OF ARTS, LETTERS AND SCIENCES), rue Fernand Kasanga, Tsimbazaza, Boîte Postale 6217, Antananarivo, MADAGASCAR, Tel. +261 20 22 210 84, Fax +261 20 22 210 84, duly represented by

Dr Rajaona ANDRIAMANANJARA, President of CMEST, on the other part,

WHEREAS, the CMEST is an established National Ethics Committee, and

WHEREAS, the CMEST is desirous of concluding an agreement with UNESCO to avail from its long-standing expertise in such an area, and

WHEREAS, UNESCO has agreed to provide assistance and cooperation services (in the context of the Assisting Bioethics Committee project) required in this respect by the CMEST, subject to terms and conditions herein set forth, or to be agreed upon in future.

THEREFORE, the two Parties hereunder have agreed as follows:

1- NON-PROFIT ORGANIZATION:

It is to be understood that UNESCO, as a party to this agreement, acts as an intergovernmental organization. Therefore, it renders the required technical assistance and services under this agreement according to and within the limits of its policies, programmes, and procedures. Thus the two parties have hereunder outlined their requirements for the sake of regulation and evidential purposes, hoping, in the meantime, to work out details or to readjust the particulars of the scope of work in the light of such policies, programmes, and procedures.

2- COMMITTEE FOR ETHICS OF SCIENCE AND TECHNOLOGY:

Except where otherwise provided for by this agreement, the technical assistance specified hereunder refers to the MADAGASCAR'S COMMITTEE FOR ETHICS OF SCIENCE AND TECHNOLOGY ("COMITE MALGACHE D'ETHIQUE POUR LES SCIENCES ET LES TECHNOLOGIES": CMEST), ("the Committee").

3- ENHANCEMENT OF COMMITTEE FUNCTIONING:

The main and essential area of collaboration and cooperation is in enhancement of the functioning of the Committee. Thus, UNESCO shall make necessary recommendations, contribute to the self-training of committee members, and promote networking with other national ethics committees. The ultimate goal of such assistance is to encourage the Committee to develop appropriate working methods and expertise in ethics so that it will be in the best position to accomplish its goals.

4- TEACHING AND TRAINING:

- (a) UNESCO shall assist the Committee in determining the international and universally accepted training standards. It shall also guide Committee members and the Committee's secretaries, to the best sources of training in the world, and organize study visits on working methods for members and secretaries in fully functional national ethics committees.
- (b) Upon an invitation from the Committee, during the first year of the project UNESCO will provide information and contribute to the self-training in working methods for the members of the Committee.
- (c) Upon an invitation from the Committee, during the second and third year of the project UNESCO will provide information and contribute to the self-training in ethics for the members of the Committee, in an indicated area of interest and need.
- (d) UNESCO will mediate in the establishment of a basic provision of documents and materials relevant for ethics committees to serve the needs of the Committee.
- (e) UNESCO will as much as possible assist the Committee in publicly promoting its activities and involving other actors in its activities.
- (f) In order to enhance the sustainability of the Committee, UNESCO will facilitate the creation of networks and partnerships with national ethics committees in other Member States.

5- TERM OF AGREEMENT AND ITS TERMINATION:

This agreement shall take effect from the date of its signature, and shall continue to be in force for a term of three Gregorian years. However, either party may terminate it by forwarding to the other party a three (3) months written notice of termination before the desired expiration date.

6- OTHER ASSISTANCE AND SERVICES:

In addition to assistance and services set out in this agreement, the CMEST may request other assistance or services, which are aligned to the objectives of the agreement. UNESCO shall, accordingly, answer the request, if it is able to.

7- RESPECT OF LAWS AND TRADITIONS:

Both parties shall, in carrying out this agreement, respect and adhere to all applicable laws of the country and its local customs and traditions.

8- CONFIDENTIALITY:

Either party shall use all reasonable endeavors to ensure that his authorized staff does not divulge to any third party any confidential information of the other party, which may be acquired during and in the course of the implementation of this agreement.

9- NOTICES AND NOTIFICATIONS:

(a) Any notice, request, communication, or notification, under this agreement, shall be given by either party to the other in writing.

(b) Any such notice, request, communication, or notification shall be hand-delivered, or sent by mail, or facsimile, to the address of the party to whom it is sent or hand-delivered.

10- Two copies of this Memorandum of Understanding will be signed by the two parties in the English language, both being equally authoritative.

11- POINTS OF CONTACT:

There shall be points of contact as follows:

(a) UNESCO:

Contact Name: _____

Address: _____

Phone: _____

Fax: _____

(b) CMEST:

Contact Name: Dr Rajaona ANDRIAMANANJARA _____

Address: Rue Fernand Kasanga, Tsimbazaza, Boîte Postale 6217,
Antananarivo 101, MADAGASCAR

Phone: +261 20 22 210 84

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Email 1: a_anjara@wanadoo.mg

Email 2: acnals@wanadoo.mg

IN WITNESS WHEREOF, the parties hereto have set their respective hands and seal the day and year first above written.

For and on behalf of:

CMEST

Name: Dr Rajaona ANDRIAMANANJARA

Capacity: President of CMEST

Signature: _____

Seals: _____

For and on behalf of:

UNESCO

Name:

Capacity:

Signature:

Seals: _____