

## Chapter 3

# International Organizations as Fora for International Bioethical Debate: Towards a Just International Bioethical Law?

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### ABSTRACT

*The role of international bodies as the place where international debates on bioethical issues take place is investigated. In theory these international venues are supposed to be neutral in that they do not favor any particular traditions or belief systems. As a neutral venue for debates, these international arenas should recede to the background, so to speak, and let all the voices from among all parties involved in the debate and discussion be heard. However, in practice such a scenario scarcely happens, as these fora and venues are often criticized as being dominated by the West and their claim of universal values. In order for the international venues to be a really just place where all the voices are given due prominence, the roles and arrangements of these international organizations need to be scrutinized.*

### INTRODUCTION

Technological developments in regenerative medicine<sup>1</sup> and reproductive medicine<sup>2</sup> are causing numerous ethical and social controversies. Embryonic stem cell research and cloned embryonic stem cell research for therapeutic purposes, cloning for reproduction, altering the genetic code by mixing other genes in or eliminating faulty genes from the genetic code, altering genes such that the altera-

tion is carried forward into the next generation are all controversial. Advances in these areas means that we can alter and enhance human capacities, both physical and cognitive, extend life spans by replacement organs and radically become different as a species from what we currently are. Such transformation and change is a subject of debate, and such debate, if not taking place globally is both inefficient and an opportunity missed to enlist the wisdom and knowledge of the missing sections of humanity and human thought.

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How and where do different world cultures meet? How is our common future being shaped? Who are the participants and how are representations made? What framework is being appropriated in order to make sense and promote arguments towards building a certain reality?

This paper proposes to discuss, analyze, and briefly evaluate the role of international organizations as facilitators and fora for international bioethical debate, where the use and application of new technologies such as biotechnology is being scrutinized by the international community with a view to developing governance and legal frameworks. The paper was inspired by the call made by the editor of this volume who wrote: 'The voluminous literature on the ethical, social and legal aspects of life sciences and biotechnology show that there is indeed a very large variety of problems related to the social and cultural contexts of science and technology. What is most interesting is how one could understand these social and ethical ramifications in the context of the world's cultures and historical traditions.<sup>3</sup> While in no way seeking to detract from the contributions already made to soft law on biotechnology by international organizations, this paper maintains that the work of international organizations should be examined to assess their role and function in facilitating the development of robust and just international bioethical law. By bioethical law, reference is being made to the regulation of issues that are widely discussed within the field of bioethics, mainly in the West in the last couple of decades.

States seek to achieve cooperation through membership in international organizations (Akande, 2006, p. 277). The membership of organizations is strong. The United Nations has a membership of over 190 States. Similar numbers make up the membership of organizations such as the United Nations Educational Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the International Civil Aviation Organization (ICAO), the World Bank Group, the World Trade Organization (WTO)

and the World Intellectual Property Organization (WIPO). There are autonomous institutions created under treaties such as the Law of the Sea Convention and the Climate Change Convention, which have also attracted substantial membership from States. Regional organizations exist to promote cooperation on regional matters. The European Union, the Gulf Cooperation Council, the African Union, the South Asian Association for Regional Cooperation (SAARC) are all examples of regional organizations. The subject matter for cooperation is wide ranging, from fisheries and telecommunications to trade, disarmament and human rights (Sands and Klein, 2001). Such cooperation is beneficial and useful, as evidenced from the output of these organizations and their continued existence, supported by states. Cooperation through intergovernmental organizations could be particularly useful in the context of novel technologies that have the potential to usher in tremendous change. These technologies could change human nature, our moral framework and our idea of perfection. The problem with these technologies is the problem is incoherent (Saletan, 2007) the contours of issues are not easily identified. Biotechnology and other technologies that involve biological material or technologies that have an impact on our biology are intimately tied to humans, and by doing research using such material we are venturing into unexplored territory. Given what is known theoretically, the results could bring about massive change. To engage with the ethical, social and other issues that arise in the context of the potential massive change, a number of mechanisms are employed. Some states expressly record in law by promulgating moratoriums on research that they deem sensitive or controversial. A number of moratoriums on research on stem cells research and human reproductive cloning are in place. Russia and Israel are two countries that recently extended their law prohibiting human reproductive cloning for another 5 and 7 years respectively (Israel extends its human reproductive cloning moratorium, 2009;

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