

understand people's relationships to nature and components of it.

In the global age we live in, the question of application of the ethical principle of justice to the common oceans and the required diplomacy, provides a very important precedence and lessons for future global planning. Laws like the Law of the Sea also provide a precedent for protecting biodiversity that is increasingly being recognised on the land too (Macer, 1999). It is clear from this survey that people think water is very important for nature and their life, and we should consider the field of water ethics if we want our future to be prosperous.

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Extending the Concept of Informed Consent to Global Environmental Decision-making

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Although the concept of informed consent is usually discussed in the context of doctor-patient relationships, many of the same issues arise in connection with environmental decision-making at both the local and global levels. Among the key questions this paper will seek to address are the following: When economic activities (e.g., development projects, transportation systems, power plants, waste disposal facilities, new technologies, etc.) are being proposed which have a discernible effect on local peoples and environments, who should be permitted to participate in the decision-making process regarding these activities? Should environmental decision-making be left to experts with specialized knowledge or should they also involve democratic input from the general public? How can citizen participation in environmental decision-making processes be effectively implemented? Are citizens sufficiently informed to give (or withhold) their consent for such activities? What role does the media play in disseminating information about economic activities and their likely social and

environmental consequences? This paper will seek to answer these questions by drawing on insights from both discourse ethics and communication studies, and will conclude that economic activities indeed cannot be conducted unless the citizens affected are sufficiently informed about the likely consequences of the proposed activities and consent to their implementation.

The concept of informed consent as it might be applied to environmental decision-making is closely related to classical democratic ideals, which hold that government should be by consent of the governed and that if citizens are to be in a position to make effective decisions they must be well-informed about the issues. The notion of consent assumes that there are institutional structures in place through which citizens can express their approval or disapproval of government policies. In modern representative democracies this is usually taken to mean the right of citizens to vote for politicians who presumably represent the interests of their constituencies. Decision-making is not carried out by citizens themselves but rather by their elected representatives. Proponents of the system argue that it enables decisions to be made both efficiently and on the basis of expert knowledge. It is impractical to try to involve everyone in the decision-making process, particularly those who lack expert knowledge about the issue under consideration.

Recently, however, representative democracy and the assumption that it adequately guarantees government by consent of the governed has come under fire. In 1996, for example, citizens in Okinawa voted 10 to 1 to close down U.S. military bases on their islands in the first referendum ever to be held in Japan. Later that same year citizens in Maki, Niigata voted 61% against selling public land to a nuclear power company, while citizens in Mitake, Gifu voted 79.7% against the construction of a waste disposal facility (Evanoff 2000, 14). Since referendums are still legally non-binding in Japan, however, the voices of citizens expressed through these referendums can simply be ignored by the central government. If more direct forms of democracy were available in Japan, decisions about defense, energy, and waste disposal would not be made, as they are at present, by the central government frequently acting in concert with big business (i.e., those building the highways, military equipment, nuclear power facilities, and garbage disposals), but rather by the citizens themselves. Making referendums binding would provide a serious tool for extending democracy and citizen participation in the political process.

At the global level as well, decision-making power is being increasingly delegated to international institutions such as the World Bank, the International Monetary Fund, and the World Trade Organization. Such organizations attempt to legitimate themselves by claiming to act in the interests of "all." In fact, the voices of ordinary citizens, as expressed through citizens groups and NGOs, are typically excluded from the decision-making process, while the interests of multinational corporations and international investors are heavily represented (cf. Hancock 1989; Nader et al. 1993; Chatterjee 1994; Chatterjee and Finger 1994; Danaher 1994; Rich 1994; Mander and Goldsmith 1996; Merrett 1996; Chossudovsky 1997; Martin and Schumann 1997; Madeley 1999; Dunkley 2000). One goal of the anti-globalization movement has been to increase citizen participation in the global decision-making process.

Development projects have come in for special criticism, since they often promote the interests of elites in both

developed and developing countries, rather than the genuine interests of the poor, despite rhetoric to the contrary. The struggles of the Penan in Malaysia to preserve their homes and traditional culture in the face of exploitation by both the Malaysian government and Japanese trading companies offer a clear case of elites in both a developed and a developing country conspiring against the interests of a politically powerless indigenous culture. In a speech delivered to the U.N. General Assembly on the eve of the U.N.'s declared "Year of Indigenous People," Anderson Mutang, a representative of the Penan, now exiled in Canada, stated: "The [Malaysian] government says that it is bringing us progress and development. But the only development that we see is dusty logging roads and relocation camps. Their so-called progress means only starvation, dependence, helplessness, the destruction of our culture and demoralization of our people" (Mutang 1993, 11). Voices such as Mutang's are precisely those which are being excluded from the decision-making processes available in our current political institutions.

Alternative institutional structures which can assure government by consent of the governed have been proposed, the most thorough-going of which call for more direct forms of democratic decision-making (Dryzek 1990; Fischer 2000). Social ecologist Murray Bookchin (1985; 1986a; 1986b; 1987; 1990; 1991; 1994), for example, advocates a system he calls "libertarian municipalism" in which political debate and decision-making would occur primarily at the local municipal level in assemblies open to all citizens—an idea which has historical antecedents in New England-style town meetings. Elected officials would not be charged with formulating policy, as under the present system, but rather with simply implementing policies which citizens themselves have deliberated and decided upon. While political power would ultimately be located in local communities, communities could nonetheless confederate into larger units to address regional, or indeed global, concerns. Such a conception of democracy restores decision-making power to the people, with power flowing from the bottom up rather than from the top down, as in the current system. Moreover, Bookchin's confederal model avoids the criticism frequently leveled against direct democracy, namely that it is incapable of functioning at scales larger than local communities.

Philosophical support for an institutional structure such as Bookchin's is provided by Habermas's notion of discourse ethics, which contends that a moral claim can be considered justified only if everyone who is affected by a particular decision has the opportunity to participate in the process by which that decision is made (Habermas 1989; 1993; see also Apel 1980; Benhabib 1986). The consequentialist element of discourse ethics provides for decisions to be made at the appropriate level. Apel (1980, 227) distinguishes between a micro-domain, consisting of, for example, the family and neighborhood; a meso-domain, consisting of larger political groupings such as the nation; and a macro-domain, which concerns itself with humankind as a whole. Singer (1987), working in the field of intercultural communication, offers a somewhat fuller typology, noting that communication can occur at any of the following levels: (1) the intrapersonal; (2) the interpersonal; (3) the intragroup; (4) the intergroup; (5) the intranational; and (6) the international. Dialogue can be correspondingly conducted at each of these levels, from the personal to the global, depending on who will be affected by the decision. According to Dower, one of the factors which "...will determine the size of an

environment for a level of discourse will be...how the objective system of causes and effects is understood..." (1994, 148). As I have written elsewhere, such an approach to ethics, "...both respects cultural diversity by allowing local cultures to make decisions which affect only themselves and encourages cross-cultural decision-making when the consequences of actions are transnational in scope" (Evanoff 2001, 12).

Simply providing democratic institutions through which the popular will can be expressed does not insure, of course, that the decisions which are made will be wise, no matter how widely they are consented to (cf. Lafferty and Meadowcroft 1996). Democracy has always presupposed that citizens have adequate knowledge at their disposal to make informed decisions. Experts—including educators, scholars, and other researchers—certainly have a role to play in the process of disseminating accurate information. The role of experts should not be to make decisions on behalf of citizens, however, but rather to simply provide citizens with the necessary knowledge to make informed decisions themselves. If a C student such as President Bush can be presumed to make wise decisions on the basis of information provided by experts, there's no reason why the rest of us can't as well!

At present, education—particularly in the areas of international studies and intercultural communication—has been largely directed towards preparing a cosmopolitan elite with the skills necessary to successfully conduct business overseas, participate in international conferences, engage in international negotiations, and the like. Teachers, as well as students, have come to believe that the purpose of education is to help individuals prepare for and advance careers in the global economy. Corporate funding of research programs and specific courses has allowed corporations to increasingly set the agenda for what is studied and taught. The media has also come to be dominated by corporate interests, not only directly through advertising but also through programming which promotes the values of a consumer culture (Bagdikian 2000; Beder 1997; Greer and Bruno 1996; Herman and McChesney 1997; McChesney 1997; Schechter 1999; Solomon 1999; Solomon and Cohen 1997; Stauber and Rampton 1995). Alternative points of view, particularly those which challenge corporate interests, are for the most part excluded from the mainstream media. Herman and Chomsky (1998) charge that the media of the so-called "free world" engages in forms of propaganda which are all the more difficult to detect precisely because they are subtly controlled by corporate interests rather than by outright government censorship. A media system which provides only selective and biased information makes it impossible for citizens to make genuinely informed choices about social, economic, and political issues in a democratic method.

While there is insufficient time to consider exactly how our educational institutions and media systems should be reformed in light of such criticisms, it is clear that education and the media should not be used to simply indoctrinate citizens into the values of globalization promoted by elites. Education specifically needs to concern itself with developing critical thinking skills which enable citizens to accurately assess their present situation and with stimulating creative thought in which alternatives can be imagined. Education and the media should be free from corporate influence and aimed at producing not global consumers, but global citizens. The aim of this agenda is to equip citizens to make choices themselves on the basis of

accurate information and open dialogue in which every opinion gets a fair hearing—in short, to make decisions on the basis of *informed consent*.

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The Convention for the Protection of Human Rights and Dignity of the Human Being With Regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine

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1. The history of the Convention

The Convention on Human Rights and Biomedicine was drafted by the Council of Europe and was opened to signature at Oviedo (Asturias) in April 1997. The Council of Europe has already had a long history in what is referred to as "bioethics" questions, which bring a humanist approach to a wide range of applications of new technologies in biology, biochemistry and biomedicine. A number of Recommendations, which date as back to 1976, bear testimony to the interest of this body in the problems related with the new, revolutionary developments in the biomedical field.

Later, the Resolution No.3/1985 "On human rights and scientific progress in the field of biology, medicine and biochemistry" issued by the Ministerial Conference in Vienna underlined the need to take decisions concerning some of the emerging problems in these fields. The decisive step towards the drafting of a Convention was undertaken under the initiative of the then General Secretary of the Council of Europe, Mme Christine Lalumière, in 1990: Resolution No.3 of the 17th Conference of European Ministers of Justice recommended that the Committee of Ministers instruct the Steering Committee on Bioethics to examine the possibility of preparing a framework convention and, if so decided, to draft it. The main aims to be endorsed were specified in the report on the preparation of a Convention of bioethics (Report Palacios, 1991, Doc.6449). In

1991 the Parliamentary Assembly of the Council of Europe recommended (R. 160) "a framework convention comprising a main text with general principles and additional protocols on specific areas". A preliminary draft version was open for public consultation in 1994; the final draft was submitted to the Parliamentary Assembly in 1996, it was adopted by the Committee of Ministers (9.1.1996) and it was opened for signature on 4 April 1997. As of now, 31 of the 41 member states of the Council have signed it (1) and 13 member states have signed and ratified it (2).

The term "bioethics", used in the title of the first draft was replaced by the term "biomedicine" in the draft of 1996; the new title was better suited to the goal set by the convention, namely that the naturally tense relationship between biomedical potential and the individual's right to preserve his integrity and dignity are to be placed in a legal framework where the dignity and integrity of all human beings are adequately and comprehensively protected.

The Convention contains the general principles having regard to the specific nature of bioethical questions and acts in this way as a political stimulus in Europe and the world at large to a better understanding of bioethical problems. Its aim is to form an element of European ordinary law. The Convention, thus, provides a common framework for the protection of human rights and human dignity in the developing areas concerning the application of biology and medicine.

The references made in the preamble to international and European human rights texts are intended to establish continuity between these and the Convention. Thus the new text is bound up with the Council of Europe's main vocation and an integral part of its work.

2. The main principles of the Convention

The main rules which should govern biomedical interventions are set out in the preamble:

1. The individual has to be shielded from any threat resulting from the improper use of scientific developments. Several articles illustrate the wish to clarify, that pride of place ought to be given to the individual; i.e. restriction of the use of genetic testing.
2. Whenever choices are involved, in regard to the application of certain medical developments, the latter must be recognised and endorsed by the community. This is why public debate is so important and is given a place in the Convention.
3. The third and final concern relates to the human species. Many of the current achievements and forthcoming advances are based on genetics. Progress in knowledge of the genome is producing more ways of influencing and acting on it. The Convention sets up safeguards, starting with the preamble, where reference is made to the benefits to future generations and to all humanity, while provision is made throughout the text for the necessary legal guarantees to protect the identity of the human being. Stress is laid on the need for international cooperation to extend the benefits of progress to the whole of mankind.

The principles of human dignity, of the primacy of the human being, of non-discrimination, of consent and of privacy are the main ones enshrined in the Convention.

1. Human dignity

The protection of human dignity, safeguarded in article 1 of the Convention and in many European Constitutions (3) is influenced by the Kantian philosophy, whereby human dignity is

violated if the specific individual is degraded to the status of a mere object, if he/she is treated as an instrument, a "substitutable dimension". A human person, therefore, should never be treated as a means but always as an end. The term "human dignity" becomes more concrete in the context of reviewing threats and violations thereto.

Any intervention concerning a human being through the use of biological and medical science and technology involves two kinds of fundamental rights which need to be harmonised and protected, so as not to halt or hinder arbitrarily the advances of science and technology and so as not to cause any possible harm to human beings: the right of the individual to dignity, and the right to participate in and benefit from scientific and technological progress as part of the heritage of all mankind. The Convention reflects the need to strike a balance between them, since, while its principles are clearly open to progress, it is equally clear that possible abuses of their application are firmly opposed.

2. The principle of the primacy of the human being: In pursuance of article 2 of the Convention, the primacy of the human being means that "the interests and welfare of the human being shall prevail over the sole interest of society and science".

3. Article 11 of the Convention prohibits any form of discrimination against a person on the grounds of his or her genetic heritage. This is an addition to the protection of every person against discrimination under article 14 of the 1950 European Convention of Human Rights.

4. The right to consent (articles 5-9)

One of the issues at the core of the Convention is the matter of consent. The right to consent underlines patients' autonomy in their relationship with health care professionals and restrains the paternalistic approaches, which might ignore the wish of the patients. The importance of consent has been stressed especially by representatives coming from states under communist control, as it is demonstrated in the following remarks by the Hungarian delegate: "But the paternalist approach of the one-party communist state applied to the health service system too. That approach was adopted by many doctors and health care professionals, who considered themselves officials of the state authorities and thus exempt from the need to consider the wishes or rights of patients" (4).

The patient's consent is considered to be free and informed if it is given on the basis of objective information (concerning all the circumstances involved in the intervention, its advantages and foreseeable risks, ethical, legal or economic aspects etc.); it should be expressed prior to the biomedical intervention (except in emergency situations) (5). Special rules apply concerning persons not able to consent (article 6) and persons who have mental disorders (article 7).

5. The right to privacy of information in the health field

Privacy in the health field is safeguarded in Article 10 of the Convention.

5.1. The protection of medical data and genetic data and information about health in general is a vital principle in the weaponry of the Convention. The interest in protecting the confidentiality of that information is of twofold nature:

- a. It expresses the general respect due to the privacy of the patient;
- b. It is a crucial condition in order to preserve the patient's confidence in the medical profession and in the health services in general. The European Court of Human Rights in the case *Z v. Finland* summarized the reasons justifying the protection of