

# CENTRE FOR APPLIED ETHICS

## ANNUAL REPORT 2006

### 1. Governing Body

Prof. P. van der P. du Toit (Representative of the Centre for International and Comparative Politics, *Chair*), HJ Kotzé (Dean), A.A. van Niekerk (Director of the Centre and Head: Unit for Bioethics), J. Kinghorn (Representative of the Centre for Knowledge Management and Decision-making), , J.P. Hattingh (Chair: Philosophy Dept. and Head: Unit for Environmental Ethics), S. van der Berg (Representative of the Faculty of Economic and Management Sciences) W.P. Pienaar (Representative of the Faculty of Health Sciences), C Walker (Representative of the Depts. of Psychology, Sociology, Geography and Environmental Studies and Social Work), K. Moodley (Head: Unit for Bioethics – Tygerberg Division) and dr. Deon Moulder, representative of the Medi-Clinic Corporation, a key sponsor of the Centre.

### 2. General Activities of the Centre

*(NB Only activities are here reported that are not dealt with in the reports of the different Units of the Centre. See also reports of the Units from p. 5)*

#### Projects in 2006:

1. *Ubuntu and restorative justice* (DJ Louw, fellow of the Centre)

See publication below.

### 3. Publications

(Only publications not reported about under Units)

#### 3.1.1 Journal Articles

(Accredited journal articles are indicated with an asterisk\*)

1. Van Niekerk, AA: "Die kennisvraagstuk in wetenskap en geloof", *Acta Academica\**, 38(1), April 2006: 30-54. [The knowledge question in science and religion]
2. Van Niekerk, AA: "'The unexamined life is not worth living': Socratic dialogue versus Sophist debate at the birth of philosophy". *Journal for Christian Science\**. (Festschrift for DFM Strauss), 2006 (ISSN 1013-1116)

#### 3.1.2 Book Chapter

1. Louw, D.J. 2006. "The African concept of *ubuntu* and restorative justice", in: D. Sullivan & L. Tifft (Eds), *Handbook of Restorative Justice: A Global Perspective*. New York: Routledge: 161-173.
2. Van Niekerk, AA: "Degenaar word tagtig: huldeblyk en gesprek", in D Hertzog, E Britz en A Henderson (reds.): *Gesprek sonder grense: huldigingsbundel ter ere van Johan Degenaar se 80ste verjaardag*. Stellenbosch: H&N Uitgewers, 2006: 314-321. (ISBN 10: 0620376619) [Degenaar turns 80: tribute and conversation]

#### 3.1.3 Other Publications (indicative of community service/interaction rendered by the Centre)

1. Van Niekerk, AA: "Arts in the language debate at Stellenbosch", *Letter* (Faculty Journal at Stellenbosch), first semester 2006.
2. Van Niekerk, AA: "Vader van groot denke" Forum article, *Die Burger*, 8 March 2006 [Father of great thinking] (At the 80<sup>th</sup> birthday of Johan Degenaar)
3. Van Niekerk, AA: "Die omstrede opsie is ons beste plan!", *Rapport*, 30 April 2006. [The disputed option is our best plan!]
4. Van Niekerk, AA: "Die geloofwaardige apartheidsbemiddelaar: Verantwoordelike intellek aan die werk", *Die Burger*, 19 Augustus 2006: 13 [The credible apartheid mediator: responsible intellect at work] (At 70<sup>th</sup> birthday of Willie Esterhuyse)
5. Van Niekerk, AA: "Vrye mark is nie die oorsaak van Stefan Louw se dood", *Rapport*, 26 November 2006. [Free market not the cause of Stefan Louw's death]

### **3. Other General Activities of the Centre**

- 3.1 There was a new intake (17 in total) of students for the MPhil (Applied Ethics) Program in 2006. Up till now it seems as if there is a significant decrease in the drop-out rate of this program.
- 3.2 In the course of 2006, the Centre established a very fruitful co-operation with the Ethics Institute at the University of Utrecht in the Netherlands, one of the most distinguished centres of excellence in the field of applied ethics in Europe. The Director was invited to visit and lecture at the Institute in Utrecht in March 2006. This visit resulted in an invitation to one of the Institute's members to Stellenbosch in September (see below on ESSA Conference). The outcome of this interaction was an invitation to prof. Van Niekerk to lecture in the Erasmus Mundus MPhil Program in Applied Ethics of the Universities of Utrecht, Linköping (Sweden) and Trondheim (Norway) in the first half of 2007. A formal co-operation contract between these institutions and Stellenbosch was adopted in 2006, in terms of which the University of Stellenbosch (and the Centre in particular) became a formal member of the Consortium that offers this Erasmus Mundus Program (sponsored by the European Union). Prof. van Niekerk was also invited to become a member of the governing body of the Consortium.
- 3.3 The Director, prof. van Niekerk, was asked by the University of Johannesburg to chair a panel of experts that were to evaluate the new programs (including extensive programs in ethics) of the Philosophy Department at that institution. This evaluation took place on 1-3 November 2006. An comprehensive report was produced.
- 3.4 Members of the Centre were, as is customary, involved in a broad range of activities and consultations in the broad field of Applied Ethics – many in response to requests from the public at large. A number of radio and television appearances were made by personnel of the Centre. The Director took part in four radio programmes as well as a Television Program (“The Big Question, dealing with stem cell research)
- 3.5 A very fruitful and mutually rewarding relationship exists between the Centre and the Ethics Institute of South Africa (EthicSA). Its CEO, prof. Willem Landman, is a professor extraordinaire in the Centre, and very involved in our post-graduate work. The Director is currently not only a member of the Institute's Board of Directors, but also chairperson of that body. In that capacity he is very closely involved with the planning, management and evaluation of EthicSA's activities.
- 3.6 Prof Johan Hattingh and two Honnours students, Pierre-Charl du Preez and Ben van der Merwe conducted research for the CSIR in Pretoria on various philosophical and ethical implications of new technology that is being developed to use the signature signals of cell phones to track the movement of commuters along roads in city and urban roads. The main application of this technology will be in the area of road planning and event management, but this has far reaching implications for the rights of individuals to privacy and

freedom of movement and association. The main outcome of this research will be a report that will be submitted to the CSIR for comments, and subsequently, possibilities will be investigated to extract and publish three academic articles from it.

#### **4. Annual Conference of the Ethics Society of South Africa and the Centre for Applied Ethics, September 2006 at Stellenbosch**

The Centre, in conjunction with the Ethics Society of South Africa, staged a very successful conference on ethics and applied ethics in September 2006. Dr. Marcel Verweij of the Ethics Institute at the University of Utrecht in the Netherlands, and one of the world's leading experts in the field of public health ethics, was invited by the Centre and delivered the key note lecture on issues related to large scale infectious diseases (e.g. the avian flu). The conference was officially opened by prof. Julian Smith, vice rector of the US. About 60 people attended, including a number from abroad. Of special interest in the program was a symposium on the moral issues related to the culling of elephants. It produced quite heated discussion, mainly because of the very verbal presence of various members of international animal rights societies. Television recordings of some of these debates were made.

#### **Unit for Bio-Ethics: Stellenbosch Division**

See attached report (pp. 5-10 )

#### **Unit for Bioethics: Tygerberg Division**

See attached report (pp. 11-17)

#### **Unit for Environmental Ethics**

See attached report (pp. 18-23 )

#### **Unit for Business Ethics and Public Integrity (pp. 24-26)**

#### **Finances**

The financial statements of the Centre for 2006 have been approved by the Governing Body and are recommended to the Faculty Committee and Board.

Prof. P vd P du Toit  
Chair: Governing Body  
16 October 2007

Prof. AA van Niekerk  
Director

# UNIT FOR BIOETHICS: STELLENBOSCH DIVISION

## Annual Report 2006

The Unit had an active year, in which the establishment of relations with Utrecht and the Conference of the Centre and the ESSA served as highlights (see earlier report on the general activities of the Centre).

### 1. RESEARCH

#### 1.1 Completed and current research projects

- 1.1.1** *Bioethics and public health in South Africa, with special reference to moral problems related to HIV/AIDS and new genetic technologies.* Prof. Van Niekerk holds a comprehensive NRF research grant of about R800 000 for four years for research on this general topic. Some of the research projects mentioned below form part of this bigger program. The funding lasts until 2007.
- 1.1.2** *Ethical problems relating to HIV/AIDS in Africa* (AA van Niekerk and LM Kopelman [East Carolina University, USA]). This program is continuing, although its largest output, a book about which I report later on, has been completed in the course of 2005. Of note is that this book was re-published internationally by Left Coast Press in the USA in the course of 2006. Since then it has seen about six quite favourable reviews<sup>1</sup> and one of these reviews elicited discussion to which the editors were also invited to contribute in the course of 2007 in the accredited journal *Developing World Bioethics*.
- 1.1.3** *Ethical problems about newer developments in reproductive technology* (AA van Niekerk, M de Roubaix, S Hall, N. Nortjé & L Dick – ongoing; cf. publications below).
- 1.1.4** *Lewenskwaliteit in biomediese konteks: 'n filosofies-etiese studie* (M Breitenbach. Completed, see below)
- 1.1.5** *Anthropological models that influence the training of medical students.* (Jan Kuehne)
- 1.1.6** *The reconcilability of the free-market system and the provision of a just minimum health care* (JH Loots)

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<sup>1</sup> These reviews include: Thaddeus Metz, *South African Journal of Philosophy* 25(4), 2006: 369-371; Stephanie A. Nixon & Nkosinathi Ngcobo, *Philosophy, Ethics and Humanities in Medicine*, 2(1), 2007, <http://www.peh-med.com/content/2/1/1> (Peer reviewed electronic journal); Stuart Rennie, *Aids Research and Therapy*, 3(4), 2006, <http://www.aidsrestherapy.com/content/3/1/24> (Peer reviewed electronic journal). The editors have been asked to respond to a quite controversial review by GR McLean in *Developing World Bioethics*.

- 1.1.7** *HIV in the paediatric intensive care unit: a discussion of the ethical; issues* (S Kling)
- 1.1.8** *Philosophical and ethical dimensions of pain* (A Olivier & AA van Niekerk). This project has been completed a number of years ago, but outputs are still coming out of it. The main researcher in this project, dr. Braam Olivier, who worked as a post-doc with prof. van Niekerk for three years, has been informed that his book, *Being in Pain*, has been accepted by Peter Lang International Academic Publishers, Berlin, Oxford and New York. It will be published in 2007.

## **1.2 Research outputs**

### **1.2.1 International presentations**

1. Van Niekerk, AA: *Ethical issues in the HIV/AIDS pandemic in Africa*. Lecture in Masters Program of the Ethics Institute of the University of Utrecht, Utrecht, 21 March 2006.
2. Van Niekerk, AA: *The argument about cloning and respect for autonomy*, 8<sup>th</sup> World Congress of Bioethics, Beijing, China, 6-9 August 2006.
3. Van Niekerk, AA: *The ethics of stem collection, storage and clinical application*, XXIXth International Congress of the International Society of Blood Transfusion, Cape Town, 2-7 September 2006. (Key note speaker at plenary session).
4. Van Niekerk, AA: *Global bioethics and a renewed sense of self*. Interim World Philosophy Congress, New Delhi, India, 15-18 December 2006. (Invited Speaker at Special Plenary Session).

### **1.2.2 Papers delivered at national scientific conferences and other presentations**

1. Van Niekerk, AA: *Procreative autonomy and cloning: an argument to be taken seriously*. 3<sup>rd</sup> Annual Conference of the Ethics Society of South Africa, Stellenbosch, 11-13 September 2006.
2. Van Niekerk, AA: *Generic equivalents of medical drugs: ethical issues*. Conference of Society of Occupational Health, Durbanville, 24 January 2006.
3. Van Niekerk, AA: *Justice in medical resource allocations*. Lecture at conference of radiologists, Groote Schuur Hospital, Cape Town, 6 March 2006.
4. Van Niekerk, AA: *Ethical issues in clinical psychology and the nature of professionalism*. Seminar of the Centre for Student Guidance and Development of the University of Stellenbosch, 8 June and 4 December 2006.

### **1.2.3 Articles in scientific journals (\*asterisk indicates subsidy accreditation)**

1. De Roubaix, M & Van Niekerk, AA: "Separation-survivability – the elusive moral cut-off point?", *South African Medical Journal\** (SAMJ), 96 (7), July 2006: 623-626
2. De Roubaix, M & Van Niekerk, AA: "Separation-survivability as moral cut-off point for abortion" (saam met JAM de Roubaix), *SA Journal of Philosophy\**, 25(3), 2006: 206-223.

### **1.2.4 Book**

Van Niekerk, AA & Kopelman, LM (eds.) *Ethics and AIDS in Africa: the challenge to our thinking*. Left Coast Press, Walnut Creek, California, 222 pp. (international re-publication)

### **1.2.5 Book Chapter**

1. Van Niekerk, AA: "Through a glass, darkly: data and uncertainty in the AIDS debate" (with Alan Whiteside, Tony Barnett and Gavin George), in B. Bennett: *Health, Rights and Globalisation*, Aldershot: Ashgate, 2006. (part of series edited by M.D. Freeman: *The International Library of Medicine, Ethics and Law*): 65-92.

### **1.2.4 Popular article (indicative of community service rendered by the Unit)**

1. Van Niekerk, AA: "TB weens MIV kan SA tot stilstand ruk", *Die Burger* ("Brandpunt" article), 20 September 2006: 14 [TB because of HIV can bring SA to a standstill]

## **2. OTHER ACTIVITIES OF THE UNIT**

2.1 The Unit still greatly benefits from the generous grant (R100 000 per year for two years) of the Medi-Clinic Corporation to the Unit. This significant occurrence introduces a period of fruitful mutual co-operation between the Unit and that organization. This Unit was informed in the course of 2006 that this grant is extended for another two years. This is highly appreciated; we thank Medi-Clinic not only for their generosity, but for their proven commitment to ethics in the complex field of health care.

2.2 Members of the Unit participate regularly in the fortnightly meetings of the multidisciplinary discussion group on bioethical issues of Prof. Solly Benatar (head of Internal Medicine, UCT) at Groote Schuur Hospital. At these meetings the latest literature is discussed and a case study from experience in practice

during the preceding week is highlighted. Similar, very fruitful meetings are also held at Tygerberg Hospital, organized by the Tygerberg Division of the Unit.

2.3 Prof. Van Niekerk is closely involved in IRENSA (International Research Ethics Network for South Africa) and serves on the Executive Committee of this organisation, which is internationally funded by the Fogarty Foundation of the National Institutes of Health in the USA. In that capacity he also acts as regular lecturer in the presentation of the Postgraduate Diploma in Research Ethics at the University of Cape Town.

2.4 The Director is annually requested to deliver a lecture about basic issue in research ethics to all new academic personnel of the US at a research orientation conference at the beginning of the year.

2.5 Prof. van Niekerk also acts as external examiner for the masters students in the SARETI (South African Research Ethics Training Initiative) program of the Universities of Kwazulu-Natal and Pretoria. This is also a Fogarty Foundation funded program that trains potential and current members of research ethics committees in Africa.

2.6 Prof. Van Niekerk is a member of the Management Committee of the Centre for HIV/AIDS Management in the Dept of Industrial Psychology, and teaches a module on ethical issues relating to HIV/AIDS in the Postgraduate Diploma and MPhil programmes of this Centre. The lectures for this program are currently offered via satellite transmission.

2.7 Prof. van Niekerk continues to be a director of Stellenbosch Hospice and to serve on the ethics committee of the Hospice's Board of Directors. Very fruitful interaction that has been of much value to both parties has since taken place.

2.8 Prof. Van Niekerk is a member of and participates in the activities of the following (ethics) committees and boards:

- The Ethics Committee of the Medical Research Council
- The Ethics Committee for Research on Human Subjects of the Faculty of Health Sciences. This committee meets almost monthly and evaluates with the view to ethical clearance all research proposals of the Faculty of Health Sciences.
- Editorial Boards of the *SA Journal of Philosophy*, *Developing World Bioethics*, the *SA Journal for Higher Education* and *Philosophy, Ethics and Humanities in Medicine*.



### 3. POSTGRADUATE RESEARCH

Several postgraduate students were involved in, or are still conducting research on topics that are of direct interest to the activities of this Unit. The details are as follows:

#### 3.1 Completed MPhil thesis (2006)

Breitenbach, M: *Lewenskwaliteit in biomediese konteks: 'n filosofies-etiese studie*. MPhil, 120 pp. (December 2006) [Quality of life in biomedical context: a philosophical and ethical study]

#### 3.2 Doctoral projects in progress

1. Gerber, B. *Identity and discourse: a critical philosophical investigation of the influence of the intellectual self-image of the medical profession on communicatively effective care to patients*. DPhil
2. Horn, L. *Virtue ethics and public health policy for HIV/AIDS in South Africa: a critical exploration*. DPhil.
3. Mahlati, MP. *Altruism and self-interest in medical practice: ethical perspectives on the South African situation*. DPhil.
4. Moore, WJ. *Consumer health informatics and patient autonomy: philosophical and ethical perspectives*. DPhil.
5. Ngquba, M. *The ethics of physician-assisted suicide*. DPhil.
6. Nortjé, N. *The moral status of embryonic stem cell research in the South African context*. DPhil.
7. Rossouw, T. *Identity, personhood and power: a critical analysis of the principle of respect for Autonomy and the idea of informed consent, and their implementation in an androgynous and multicultural society*. DPhil.
8. Stein, D. *Philosophy and psychopharmacology: a naturalist approach*. DPhil.
9. Tlhapane, MS. *Principlism and AIDS: a study in applied ethics*. DPhil.
10. Venter, M. *Abduction in clinical diagnosis: an epistemological assessment of medical reasoning*

(Prof. AA van Niekerk is acting as promotor in all of the above cases.)

### 3.4 Master's projects in progress

1. Coetzee, H-K. *Mediese etiek in privaatsektor-geneeskunde in Suid-Afrika*. MA.
2. De Bruyn J. *A comparison of South Africa and Uganda's management and implementation of the national response to the HIV/AIDS pandemic*. MPhil.
3. Dick, L. *Responsibility and the new genetics: Philosophical perspectives on the idea of "an ethics of responsibility" in relation to moral problems raised by new genetic technologies in the African context*. MA.
4. Hendricks, M. *Confidentiality in clinical psychology*. MPhil.
5. Kling S. *Ethical issues in the admittance of children with HIV/AIDS to intensive care units in South Africa*. MPhil.
6. Kuhene, J. *Anthropological models that influence the training of medical students*. MPhil.
7. Loots, J. *The reconcilability of the free-market system and the provision of a just minimum health care*. MPhil.
8. Loselo, R. *HIV/AIDS: access to care in view of the SA constitution*. MPhil.
9. Mafanya, A. *Informed consent and the practice of medicine in the Eastern Cape*.
10. Photo, M. *The effects of the SA Choice of Termination of Pregnancy Act on health care workers in South Africa*. MPhil.
11. Schoeman, L. *Die praktyk van aktiewe genadedood: 'n krities-vergelykende studie*. MPhil.
12. Van Heerden, C. *Moral perspectives on the exploitation of children in Africa*. MPhil.

(Prof. AA van Niekerk is acting as supervisor in all of the above cases.)

AA van Niekerk  
(Head: Unit for Bioethics)

# **Annual Report**

## **Bioethics Unit – Tygerberg Division**

### **Jan – Dec 2006**

#### **TEACHING**

##### **Undergraduate Program:**

The undergraduate teaching program in medical ethics was offered to 5<sup>th</sup> year medical students in March 2006 for the 4<sup>th</sup> time since its inception. 151 students enjoyed 2 stimulating weeks of interactive problem based ethics. The tutors on the module were Prof Keymanthri Moodley, Prof Willie Pienaar, Dr Lyn Horn, Dr Sharon Kling, Prof Marietjie DeVilliers. The invited lecturer on Medical Law was Mrs Anita Kleinsmidt, Wits University. Mr. DA Barnard received the prize in Medical Ethics for 2006 in his 5<sup>th</sup> year. This was awarded in 2007 in his final year.

##### **Postgraduate Program:**

A 12 week WebCT based course in ethics was taught on the Masters in Family Medicine Program (MFam Med) as part of the HIV and Women's Health Module. Approximately 40 national and international general practitioners were registered on the course. Each student submitted a case study report at the end of the 12-week block.

#### **PRESENTATIONS**

##### ***PROF. K MOODLEY***

##### **International Presentations:**

1. 2006 – 1-3 March – Safety Issues in Microbicide Trials-Ethical Concerns– HPTN Safety Meeting, Bethesda Maryland, US.
2. 2006 – 6-9 August – MDR TB, public health ethics and the law; Microbicide Safety Issues- the ethical concerns – 8<sup>th</sup> World Congress of Bioethics, Beijing
3. 2006 - 19 November – HIV Research in Resource Scarce settings. Public Responsibility in Medicine & Research (PRIM&R), Washington DC, United States.

## **National Presentations**

2006 - 9 October - Clinical Care and Research – The Ethical Nuances - Biennial Lymphoma Conference – Constantiaberg Medi-Clinic, Cape Town

## **Local Presentations**

2006 - 9 February – An Introduction to Ethics in Research, Faculty of Health Sciences, University of Stellenbosch

2006 - 23-24 February – Ethics in Bioinformatics – University of the Western Cape

2006 - 3 April – Research Ethics – Underwater Medicine, Dept of Community Health US

2006 - 2 May – The Terri Shiavo Story – Haematology Guild, UCT

2006 - 11 May – The National Health Act & its implications for GPs, Univ of Stellenbosch GP Congress.

2006 - 23 May - Duty to Care in Pandemics Annual GP Congress, Constantiaberg Mediclinic.

2006 – 11 May – The National Health Act & its implications for GPs – Stellenbosch University GP Congress, Business School, Bellville

2006 – 9 June - Pandemic & Epidemic Planning – an ethical perspective, Stellenbosch, Meeting of Medical Superintendents, Western Cape.

2006 – 22 June – Rehabilitation Ethics, Masters students, Centre for Rehabilitation, University of Stellenbosch.

2006 – 21 July – The Ethics of Pandemic Planning – Mediclinic, Stellenbosch

2006 - 22 November – Duty to Care – Avian Influenza – Emergency Centre Conference, Lanzerac Hotel, Stellenbosch.

## ***PROF W. PIENAAR***

### **National**

- Core Competencies in Human Rights for South African Health “Professional Students Patient Rights and Competency by Case Discussion” July 2006 Cape Town
- 14<sup>th</sup> National Psychiatric Congress (SASOP) “The Impaired Physician” July 2006 Swaziland
- CPD program of CMT (Continued Medical Training) in JHB and Cape town topic “The bioethical and moral arguments of genetic research and treatment”

### **Local**

- South African Society of Psychiatry (SASOP) “Bio-ethics in Psychiatric Practice” Durban, May 2006

- General practitioner continued training “The History in Moral Decision Making” Port Elizabeth July 2006
- General practitioner continued training “The History in Moral Decision Making” Robertson July 2006
- General practitioner continued training “Privacy and ‘Intimate’ Physical Examination Paarl July 2006
- SASOP Symposium “Competency in the elderly” Cape Town July 2006
- General practitioner continued training “Principles” Langebaan September 2006
- General practitioner continued training “The History in Moral Decision Making” East London October 2006
- Durbanville Medi-Clinic “Professional Ethics” November 2006 Durbanville
- Quarterly lectures on bioethics for Professional Nurses in Sexual and Reproductive Health Course.
- Quarterly training of Community Psychiatric Nurses on bioethics by case discussions

## **PUBLICATIONS**

*PROF K. MOODLEY*

### **INTERNATIONAL JOURNALS (accredited journals indicated with asterisk\*):**

1. Myer LM, Moodley K, Cotton M Health care providers' perspectives on discussing HIV status with infected children *J Tropical Paediatrics\** 2006;52(4):293-295.
2. Moodley K Ethical Issues related to the Orange Farm Study *PLoS Medicine\** 10 Feb 2006.
3. Moodley K, Myer L. Health Research Ethics Committees in South Africa 12 years into democracy. *BMC Medical Ethics* 2006.

### **NATIONAL JOURNALS (accredited journals indicated with asterisk\*):**

1. Moodley K Myer L Michaels D Cotton M Paediatric HIV Disclosure in South Africa: Caregivers' Perspectives on discussing HIV with infected children.[Scientific Letter] *SAMJ\** 2006;96;(3):201-202.
2. Moodley K Ethics in clinical practice: an overview *CME* 2006;24(1):30-3.
3. Moodley K Ethics, Law and Human rights: A South African Perspective (Guest Editorial) *CME* 2006;24(1):5.

## **BOOK CHAPTERS**

1. Moodley K HIV Vaccine Trial Participation in South Africa - An Ethical Assessment in *Ethical Health Care* by Patricia Illingworth and Wendy E Parmet.(2006) Pearson Prentice Hall
2. Moodley K Informed Consent in *South African Family Practice Manual*, (2006) – Van Schaik Publishers.

## **NEWSLETTER**

9,10 The *SAREC Newsletter* Vol. 3 No 1&2 was circulated to all Research Ethics Committees in SA in June and November 2006.

## **EDITORIAL BOARD MEMBERSHIP**

*International PLoS Clinical Trials*

## **JOURNAL REVIEWS**

### **Social Science and Medicine**

*Effect of long-term participation in intensive health research on definitions of research in Uganda* (2006)

### **Developing World Bioethics**

*Culture and Genetics Testing in Africa* (DWB-0097-04-07-ART).

## **RESEARCH PROJECTS**

1. Principal Investigator: Paediatric HIV Disclosure Study – Tygerberg  
Co investigators: Dr Landon Myer and Des Fransman – School of Public Health, UCT, Prof Mark Cotton, dept of Paediatrics and Kidcru paediatric HIV Clinic Tygerberg, Prof Leslie Swartz and Prof SA Kagee, Dept of Psychology, University of Stellenbosch.

Phase 1 completed – Paediatric Disclosure in South Africa: Perspectives of Caregivers on discussing HIV with infected children.

Phase 2 – ongoing – interviews with health care providers to elicit their perspectives on disclosure – completed in 2005.

Phase 3 – planning– dept of Psychology – will involve interview with children infected and non-infected. – commenced in 2005 – ongoing.

2. Principal investigator: Comprehension of Informed Consent on a Tuberculosis Prevention Study in the Western Cape

Co investigators: Professor Nulda Beyers, Dr Landon Myer, Dr Sharon Kling  
Data collection, data entry, data analysis complete. Article in preparation for publication.

3. Principal Investigator: A Randomised, open label, controlled phase II study to evaluate safety, tolerability and immunogenicity after two different 13-valent pneumococcal conjugate vaccine formulations with or without aluminium phosphate as adjuvant, and after 23-valent pneumococcal polysaccharide vaccine in ambulatory, elderly subjects aged 65 years and older who are naïve to previous 23vps immunisation.

Co-investigator: Professor PJT de Villiers

## **GRANTS AWARDED**

### **2006 – Medical Research Council of South Africa**

Grant of R50 000 awarded for empirical Ethics Research – Informed Consent

### **2006 – EDCTP - European & Developing Countries Clinical Trials Partnership**

Capacity Development Grant of 70 000 Euro (R630 000) awarded for conversion of GCP Refresher Course to WEB CT for distribution throughout Africa.

## **SCHOLARSHIPS**

**PRIM&R – Public Responsibility in Medicine & Research – 2006 Annual HRPP Conference – Scholarship Program.** Attendance, registration, accommodation and travel fully funded. Washington DC, 15-18 November 2006.

## **SUPERVISION**

### **Undergraduate Students**

2006 – John-Randel Vermaak – Confidentiality and Informed Consent in HIV Care in Ghana

### **Postgraduate Students**

Masters in Family Medicine – University of Stellenbosch

Thesis: Informed Consent - are patients adequately informed pre-operatively?

Empirical research at a district hospital in Mpumalanga, South Africa.

Dr Clive Mogajane – Mfam Med student, Dept of Family Medicine and Primary Care, School of Public Health, University of Stellenbosch. (In Progress)

- Masters in Human Nutrition – University of Stellenbosch  
Thesis: Knowledge, beliefs and practices of dieticians and doctors in South Africa on the use of the internet in healthcare – A pilot study  
Baheya Najaar, Dept of Human Nutrition, Faculty of Health Sciences, University of Stellenbosch

## **EXTERNAL EXAMINER**

University of Witwatersrand  
Steve Biko Centre for Bioethcis, Medical Law, Human Rights. MScMed Bioethics & Law

July 2006

- Mandatory HIV Testing in Pregnancy: Is there ever a time?
- Do Health workers with HIV have a duty to disclose their HIV status to patients or the employing institution?
- Review and analysis of the arguments for and against an HIV-specific criminal offence to punish risky behaviour by people living with HIV.

October 2006

- Are surrogacy arrangements inherently demeaning to the surrogate mother and therefore morally wrong?
- Finding reasons to kill off the next Richard Branson
- Legal development of wrongful pregnancy, wrongful birth and wrongful life actions against medical practitioners.

## **CONFERENCE ORGANISATION**

Organising Committee – **Health and Human Rights Workshop** – 22 March 2006 – University of Stellenbosch, University of Cape Town, University of Western Cape, Cape Peninsula University of Technology initiative

## **SERVICE DELIVERY**

**Ethics Hotmail and Ethics Hotline** – queries on ethical issues from general practitioners and other health care providers are answered either via e-mail or telephonically by the Unit.

**SAREC Newsletter** - has been launched in April 2004 – this is the first national newsletter in South Africa and is distributed electronically to all research ethics committees (RECs) in SA . The newsletter keeps REC members updated in terms of new guidelines and developments in the field of Research Ethics. 2 issues were circulated in 2006.



To promote the teaching of medical ethics as a “golden thread” throughout all disciplines in the faculty, a capacity development program: TRAIN-THE-TRAINERS was continued during 2006. Faculty members from a wide range of different disciplines attended monthly meetings where case studies were discussed and formal lectures were also presented.

### **TRAIN-THE -TRAINERS**

#### **Topics for 2006:**

Ethico-legal aspects during a Flu Pandemic	Dr Neil Cameron
Informed Decision Making	MBChB V – Module 13 - 2006
Ethical Issues Pertaining to Medical Undergraduate Training	Dr Francois Cilliers
Organ Transplantation – What are	Prof Rafique Moosa
The Ethical options Stem Cell Research – Current Controversy	Dr Lyn Horn
Capacity to Consent Speaker)	Prof Allan Volman (Visiting
Drug Resistant TB and Ethics	Prof Keymanthri Moodley
The Alder Hey Affair	Dr Sharon Kling

### **THIRD INCOME STREAM ACTIVITIES (contribute 44% of personnel expenses)**

**Good Clinical Practice (GCP)** courses are offered to promote capacity development in research training. Both basic courses and advanced courses are presented. These courses in maintaining research standards are deemed compulsory by the Medicines Control Council (MCC) for all investigators involved in clinical trial research. During 2006, 6 courses were offered and **193** investigators, site co-ordinators and research ethics committee members were trained.

**EDCTP - ERECCA Project** – this grant was awarded to cover 3 projects:

1. Conversion of Refresher GCP course to an online course accessible throughout Africa – commenced September 2006
2. REC Capacity Development Seminar for 2007
3. GCP training on existing courses for researchers from around SA, 2007 and 2008

Prof. K Moodley  
Head: Tygerberg Division of Unit for Bioethics

# UNIT FOR ENVIRONMENTAL ETHICS

## ANNUAL REPORT 2006

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### 1. Research

#### 1.1 Research Outputs

##### 1.1.1 Publications (accredited journals indicated with asterisk\*):

Hattingh, JP (2006) The state of the art in environmental ethics as a practical enterprise: A view from the Johannesburg documents, in: Henk AMJ ten Have, *Environmental Ethics and International Policy*, Ethics Series, UNESCO Publishing, Paris.

Burns, M.E.R. and Hattingh, J.P. (2006). Locating policy within the taxonomy of sustainable development. *The South African Journal of Environmental Law and Law Policy* \*13(1).

Hattingh, JP (2006) Human Interests, intrinsic value, and radical questioning – Three necessary aspects of environmental ethics as international action? Proceedings of the 4<sup>th</sup> Ordinary Session of COMEST (The World Commission on the Ethics of Scientific Knowledge and Technology of UNESCO) that was held 23 – 25 March 2005 in Bangkok, Thailand, pp. 77-83.

##### 1.1.2 Papers and presentations

Hattingh, JP (2006) Triple bottom line reporting: An appropriate business response to the problem of unsustainable development? Paper read at the Annual Conference of the Philosophical Society of Southern Africa, Grahamstown, January 2006.

Kelbessa, W. 2006 Tactics of empowering marginalized African voices in the current world order. Paper read at the Annual Conference of the Philosophical Society of Southern Arica, Grahamstown, January 2006. [Dr. Kelbessa is from the Department of Philosophy of the Addis Ababa University in Ethiopia, and has written this paper while collaborating with Prof Hattingh as a post doc in the NRF research project of the latter.]

Hattingh, JP (2006) Environmental ethics and international action. Paper read at the Conference of the Ethics Society of Southern Africa (ESSA), Stellenbosch, September 2006.

Hattingh, JP (2006) Environmental ethics: history, context, and international action. Paper read at the 5<sup>th</sup> Ordinary Session of COMEST (The World Commission on the Ethics of Scientific Knowledge and Technology of UNESCO), Dakar, Senegal.

## **1.2 Current Research**

### **1.2.1 NRF project**

A substantive award of R953 600 for the period of 2004 – 2007 was made to Prof. Hattingh for a research project on the topic of Refining Sustainable Development. The aims of this project are to establish why there is such a lack of implementation in the policy goals of sustainable development, and to make recommendations to overcome problems in this regard. The point of departure of this research is the hypothesis that there are serious problems in conceptualizing the goal of sustainable development, and that a good understanding of these problems can help to address the lack of implementation.

## **2. OTHER ACTIVITIES**

### **2.1 Ongoing Doctoral Projects**

BAUGHAN H. *Technology and practical reason in technology education policy - a philosophical study*. D.Phil. Supervisor: Prof. JP Hattingh.

BERNARDO ET. *Die rol van gedragskodes in etiese bewusmaking in die staatsdiens, met spesifieke verwysing na die beskermingsdienste: 'n Ondersoek in toegepaste etiek.* D.Phil. Supervisor: Prof. JP Hattingh.

LONG SS. *The formulation of an environmental ethic for civil engineers in South Africa*. D.Phil. Supervisor: Prof. JP Hattingh.

MOKWENA BO. *Corporate citizenship and business profitability: A post-apartheid critique*. D.Phil. Supervisor: Prof. JP Hattingh.

PEACEY AH. *Foundations of public sector financial ethics mediation*. D.Phil. Supervisor: Prof. JP Hattingh. Co-Supervisor: Prof. E Schwella.

SEELIGER L. *Developing an environmental ethic for economic policy in South Africa*. D.Phil. Supervisor: Prof. JP Hattingh. Co-supervisor: Prof. S van den Berg, Economics.

### **2.2 Ongoing Master's Projects**

GUBANCA AA. *Should corporate social responsibility extend to alleviation of poverty?* M.A. (Applied Ethics). Supervisor: Prof. JP Hattingh.

NAUDE P. *The use and management of the Olifants River System. An ethical perspective, with special focus on the Mpumalanga and Northern Province Lowveld Region.* M.Phil. (Applied Ethics). Supervisor: Prof. JP Hattingh.

## **2.5 Teaching at the Cape Peninsula University of Technology**

During 2006, Ms Leanne Seeliger taught courses in Ethics and Environmental Ethics at the Cape Peninsula University of Technology, as well as the University of Stellenbosch:

- 2.5.1 Department of Environmental Management and Occupational Studies, Cape Peninsula University of Technology (BTech Students)
- 2.5.2 Department of Environmental Management and Occupational Studies, Cape Peninsula University of Technology (MTech Students)
- 2.5.3 Department of Philosophy, University of Stellenbosch. (Guest lecture: MPhil programme)

## **2.7 M.Phil in Environmental Management**

Prof. Hattingh is member of an interfaculty Programme Committee that has launched a Mphil Programme in Environmental Management in January 2001. Sixteen students were accepted into the programme then for the first time, and since then 16 students were given places in the Programme each year since. Departments participating in the programme are Philosophy (Environmental Ethics), Geography and Environmental Studies, Public and Development Administration, Public Law, and Conservation Ecology. Since December 2002 a steady stream of students graduated from this program. The viability of this programme is now a proven fact, that is borne out by the fact more students are turned away from the course each year than the number accepted.

Within the framework of this programme Prof. Hattingh takes responsibility for a module in Environmental Ethics. He also supervises students doing their research projects on themes in environmental Ethics. [See entries under Master's projects completed.]

## **2.8 M.Phil. in Sustainable Development**

In February 2003 the Spier Institute under the leadership of Prof. Mark Swilling and Ms. Eve Annecke launched an innovative MPhil Programme in Sustainable Development in collaboration with the Department of Public and Development Management of the University of Stellenbosch. Currently there

are about 90 students in the programme, with the first graduates completing their studies in December 2005. Having been part of the team planning the Programme, Prof. Hattingh is currently one of the co-teachers in the module on Leadership and Ethics for Sustainable Development.

## **2.9 Activities around UNESCO's COMEST**

1. COMEST is The World Commission on the Ethics of Science and Technology, and falls under UNESCO's Division for the Ethics of Science. COMEST consists of 18 members that are selected to be representative of the world community on the one hand, and expertise in the ethics of various fields on the other hand. Members are appointed to COMEST in collaboration with the official delegations of member countries of UNESCO and their countries' Ministries of Science and Technology. COMEST advises the General Assembly of UNESCO on ethical issues, and conduct, on request, research for the General Assembly on ethical issues. At the beginning of 2004, Prof. Hattingh was appointed as member of COMEST for a period of 4 years.
2. During 2005 Prof. Hattingh on invitation of the Director General of UNESCO as member of the Panel of Judges for the Avicenna Prize that is awarded for excellence in the field of the Ethics of Science. During 2005, this prize was awarded for the second time since its inception.
3. During 2005 Prof. Hattingh was appointed as Rapporteur in the Executive Board of COMEST. This continued in 2006.
4. During July 2006 Prof. Hattingh represented COMEST at a meeting of the Pan African Bioethics Initiative in Yaounde, Cameroon; and in December 2006 he participated in the Fifth Ordinary Session of COMEST that was held in Dakar, Senegal.

## **2.10 Networks and related activities**

1. Close collaboration between the Unit for Environmental Ethics and the Division for Cross Cutting Technologies of the CSIR, especially on environmental issues, was continued in 2006.
2. Close collaboration with Prof. Willem Landman, Director of the Ethics Institute of South Africa located in Pretoria, was continued during 2006, particularly on joint projects and service on the terrain of applied ethics.
3. Close cooperation with Dr. Workineh Kelbessa of the Department of Philosophy at University of Addis Ababa, Ethiopia. Dr. Kelbessa collaborated in the research for Prof. Hattingh's NRF project on the concept of

sustainability, and has prepared a paper on it that was read at the annual conference of the Philosophical Society of Southern Africa in January 2006. [See research outputs above.]

## **2.11 Roundtables on themes in Environmental Ethics**

In this context, a roundtable entailed a small closed meeting with about 4 to 6 invited speakers that address a theme in Environmental Ethics from different angles. The purpose of these meetings is to share ideas, and for the Unit for Environmental Ethics to listen to and learn from practitioners in the field. Two such roundtables were arranged:

### **2.11.1 Ethical Issues in Urban development in the Western Cape**

This roundtable was held on June 22nd, 2006 and was aimed to unearth some of the moral challenges faced by stakeholders in the process of rapid and widespread urban development currently witnessed in the Western Cape. It focussed on the integrity of processes and the recognition of democratic freedoms and rights that were salient. The moral foci were the ethics of professionalism and social justice in urban development. Participants and their papers included:

- Trinka Slabber: Lawyer and Stellenbosch resident. **Ethics and urban development in the Western Cape.**
- Wilfred Bohm: Green architect. **The urbanisation of paradise.**
- Samantha Ralston: Wildlife and Environment Society. **Environmental ethics: Are we dreaming?**
- Alexander Rehder: Consultant. **Sustainable living**
- **Nazli Laatoe:** Western Cape Investment and Trade Promotion Agency. **The Ethics of Urban Development in the Western Cape.**
- Karen Shippey: SRK Consulting Engineers and Scientists. **After the decision – the role of the Environmental Assessment Practitioner.**
- Paul Hardcastle: Department of Environmental Affairs and Development. Planning, **Environmental ethics in the Environmental Impact Assessment field.**

### **2.11.2 Ethical Issues in the use of Genetically Modified Organisms in Food Production in South Africa**

The Unit for Environmental Ethics also hosted a symposium on the ethical issues of genetically modified organisms and their use in food production, on the 25 October 2006. Representatives from academia, industry and civil society were invited to participate, and they identified and discussed their perspectives on aspects of import. The symposium was chaired by Professor Johan Hattingh, Head of the Unit for Environmental Ethics, and was facilitated by Leanne Seeliger and Peter Esser, Fellows at the Unit. The participants were:

- Professor Douglas Rawlings, Head of Department of Microbiology, University of Stellenbosch.

- Dr. William Stafford, Lecturer and Researcher at the Advanced Centre for Applied Microbiology, University of the Western Cape.
- Dr. Hennie Groenewald, Senior Lecturer, Institute for Plant Biotechnology, University of Stellenbosch.
- Bishop Geoff Davies, Head of the Southern Africa Faith Communities' Environment Institute.
- Mr. Leonard Mead, Chief Executive at Allganix (Pty) Ltd., an organic food company.
- Dr. Johan Ferreira, Head of Food Technology, Woolworths (Pty) Ltd.

## **2.12 Membership of Editorial Boards**

Prof. Hattingh currently serves on the Editorial Board of the following journals:

1. African Journal of Environmental Philosophy and Environmental Education (since 1999) [Nigeria]
2. Southern African Journal of Environmental Education (co-editor of the section on Environmental Ethics)

Johan Hattingh

26 September 2007

# The Unit for Business Ethics and Public Integrity

The main activity during 2006 of the Unit for Business Ethics and Public Integrity at the Center for Applied Ethics was to conduct research for a World Bank project on “The preparation of Guidelines on How to promote integrity and prevent corruption in the procurement of professional consulting services”.

Marianne Camerer, who was largely based in Washington during this time, led the research team which included professional consultants based in three different countries (USA, Kenya and South Africa). The fieldwork, with a strong focus on professional ethics, included interviewing accountants, engineers, medical practitioners and their professional associations, in South Africa, Kenya and the US. The purpose was to assess loopholes in the procurement process of professional consulting services and highlight potential areas for intervention to promote integrity. Members of the CAE project team included Prof Johan Hattingh and Ms Minka Vrba.

As part of the research, the team held two workshops. This first was a meeting that took place under the auspices of CAE in Stellenbosch, South Africa (May 2006). The second workshop took place in Kampala, Uganda (July 2006), alongside an international conference on Development Ethics. At the conference a paper on the research, “Professionalism in Africa – A quaint out-dated notion, or an essential building block for development?” was presented by Marianne Camerer and the lead consultant on the project, Dr Stephen Schwenke.

In December 2006, Camerer and Schwenke presented the interim project report to a workshop at the World Bank in Washington DC, that was attended by about 30 procurement and anti-corruption experts. The abstract for the report read: *“The public sector’s need for expert services in developing countries increases each year as development brings increasing complexity, new technologies and more sophisticated problems to resolve. These services are procured from specialized providers of expertise - professionals and expert consultants. But with growing reliance on private sector consultants comes an increasing level of mistrust among both public sector officials and consultants. Public sector officials worry that consultants do not provide value for money while consultants worry that the public sector procurement process is neither fair nor efficient. It rankles such consultants that their contractual relationships with the public sector are based on the premise that the public sector must exercise maximum oversight and control, instead of jointly forging a trusted partnership between client and consultant.”*

The report examines the ‘scope for the fostering of a rational basis of trust between the public sector and expert consultants in sub-Saharan Africa’ and explores the conceptual issues and challenges that impact on such a relationship. The report concludes by recommending an approach combining aspiration and compliance based measures. It argues that reciprocal recognition of each party’s (i.e. the client, consultants and the professional association) aspirations, complemented by appropriate regulatory mechanisms, would generate higher levels of integrity that



would reduce procurement systems' complexity and improve their effectiveness. For a full copy of the interim report see:

<http://www1.worldbank.org/publicsector/anticorrupt/LeadershipEthics/bbagsDetails.cfm?ID=297>

After negotiations, the World Bank contract was extended to include a second phase (for completion in July 2007). The objective of the second phase is to build upon the findings generated during the first phase of the project, as well as the finding reported in a World Bank document entitled 'World Bank Policy on Selection and Employment of Consultants: Study of its Effectiveness', in order to prepare a Guidebook. The Guidebook will guide borrowers, consultants and others in interpreting and applying the present World Bank Guidelines on Selection and Use of Consultants so that the respective aspirations of consultants and clients are realized as much as possible. The Guidebook will also set forth suggestions for improving the present Guidelines so that they emphasize the aspiration approach more directly and explicitly, offering practical suggestions that will complement and strengthen the present Guidelines through revisions.

Once this Guidebook is completed, the CAE team will further prepare a detailed conceptual framework for new Bank Guidelines based on the conclusions documented in the Guidebook and on the recommendations of the study on the Effectiveness of Bank Policy.

Apart from the World Bank Project, Prof Johan Hattingh and Ms Minka Vrba also initiated research in the teaching of business ethics at pre-graduate level. At the end of July, they delivered a presentation at the annual Business Ethics Network Africa (BEN-Africa) conference held in Cape Town. The presentation, entitled "They are all lies. Even Mother Theresa did it for herself... Or: taking a hard look at what we are trying to achieve in teaching Business Ethics" (currently submitted for publication), investigates the problems associated with common conceptions of applied ethics.

Building on the theme of this presentation, Prof Hattingh and Ms Vrba, applied for, and received a grant from the Fund for Innovation and Research into Teaching and Learning, administered by the Centre for Teaching and Learning, University of Stellenbosch. The research corresponds with the University's aim of becoming a leader in teaching (as circumscribed in Vision 2012) as the goal of the research is to improve the teaching of applied ethics to B Accounting students. This research is particularly relevant given that the South African Institute of Chartered Accounting (SAICA) has ruled that from 2007, applied ethics (which includes both business and professional ethics) will be mandatory for all students studying Accountancy.

For the purposes of this research, Prof Hattingh and Ms Vrba will conduct interviews with students and lecturers at the University of Stellenbosch, the University of KwaZulu Natal, and the University of Pretoria, as well as SAICA and Accounting practitioners. The aim of the research is to gauge the students' attitude towards the current syllabus (as instituted by SAICA) to determine how and where teaching strategies can be improved, and to build networks between universities, the professional association and practitioners. The researchers foresee a publication based on these findings towards the end of 2007. The publication will provide a comparative analysis of the experiences of students at the three identified universities, with the aim

of establishing best practice guidelines and identifying future challenges and research opportunities in the field.

Two further initiatives that will be undertaken by Prof Hattingh and Ms Vrba in 2007 are serving on the committee for the greening of the International Society for Business, Economics and Ethics Society (ISBEE) conference to be held in Cape Town in 2008; and participating in a community service initiative where an interdisciplinary university task team, will be tasked with conducting a needs assessment and setting up a social responsibility plan for an abalone farm envisioned for Hondeklipbaai in the Northern Cape.

Marianne Camerer  
Minka Vrba