



appendix 2

Outcomes of Consultation: Submissions
from Interested Persons

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3.19 Areas of public interest: cultural and ethical concerns

Introduction

Warrant item (j) (iv) deals with “cultural and ethical concerns” in relation to genetic modification. Some submitters suggested that specific reference should also have been made to spiritual concerns and included comment on such matters. The terms, “ethical”, “spiritual” and “cultural” were not generally defined or distinguished by submitters. Submitters commented according to their cultural background and ethical values.

Submitters with backgrounds in the economic/production sectors, Maori sector and religious groups sector were the prime sources of comments on general cultural and ethical matters, with religious groups providing comments in particular on ethical and spiritual concerns and, to a lesser extent, on Maori cultural concerns.

As explained in the section “Areas of public interest: an introduction”, comment on areas of public interest extended beyond specific responses to Warrant item (j). This was particularly so for cultural, ethical and spiritual concerns, so issues discussed below are drawn from throughout all submissions.

Most submissions on cultural concerns (27 submitters) commented on Maori cultural issues. In addition, cultural and religious beliefs and practices were raised by New Zealand Jewish Community [IP80] and referred to by some submitters from the agricultural/production sector.

Ethical concerns were the subject of substantial comments in 20 submissions, and spiritual concerns were discussed in four submissions. There was a considerable overlap between ethical and spiritual issues, making it difficult at times to discern a distinction between the two.

Eleven submitters believed that social, economic and ethical considerations should be dealt with in legislation.

Overall, submitters seemed to cluster around the following approaches to the

concepts:

- Cultural concerns: the framework of values, beliefs and practices within which a community of individuals operates. Submitters referred to specific Maori concepts, for instance whakapapa, in discussing cultural concerns.
- Ethical concerns: what is the right or good thing to do, and what is the process for deciding this? Several church submitters referred, for example, to “goodness”, the “good of all”, as the test for developing “GM” policies.
- Spiritual concerns: respect for the sacred nature of creation and acknowledgement of the spiritual beliefs of indigenous peoples.

Nature of concerns

Cultural concerns included:

- the need to respect and accommodate different cultural beliefs and practices
- no single cultural framework should predominate.

Ethical and spiritual concerns:

- raised the need for a new approach to the current regulatory/legislative framework
- called for greater public education about issues of genetic modification
- identified, in many instances, concepts and principles that should be taken into account.

Key themes

Overall, the themes that emerged included:

- choice: a choice not to use or participate in genetic modification technology
- respect: a need to acknowledge values and take them into account in processes and decisions involving genetic modification
- impact: a need for awareness of long-term risks, for instance, ecological damage to the environment.

Significance of issues

A common starting point in submissions was a reference to the significance of the issues raised by this item. There was a view that genetic modification gave rise to questions (“areas of uncertainty”) and “profound cultural and ethical implications” (Rural Women New Zealand [IP52]). Sustainable Futures Trust [IP51] commented: “The GM debate is not really about the technology itself, nor wholly about ethics. It is about finding meaning in life and of our role within it.” The Trust further

observed that molecular biology might be able to tell us “what we are and how we function, but it will tell us nothing about who we are and why we are”.

Religious groups saw the big ethical issue as power. Interchurch Commission on Genetic Engineering [IP49] summed up their concerns in saying that:

Like most sophisticated technologies, this one promises both potential blessings and curses, both power for good and power for evil. And the key word here is power, for genetic engineering is in large measure a question of the ethics of using and abusing power.

Anglican Church in Aotearoa New Zealand and Polynesia [IP42] warned of “the arrogance of people towards the intricate and subtle relationships which sustain life on the planet”.

Matters of general concern raised in submissions included:

- the nature of the public debate on genetic modification
- need for more public awareness
- long-term impacts.

From the religious groups sector there was a view that the genetic modification debate had primarily occurred at “a pragmatic level” related to safety and economic matters, with little elucidation or definition of ethics.

New Zealand Catholic Bishops’ Conference [IP38] was not concerned that the technology of genetic modification might conflict with ethical values. The concern was the ethics of the uses to which it might be put.

A related concern was the need for greater public awareness and education about genetic modification generally. The statement was made that much public and media comment was not well informed. This issue was raised under other Warrant items elsewhere in this report and is further discussed in the introduction to Warrant item (j).

An additional concern was anxiety about the unknown results of genetic modification. Again, this issue is discussed further in relation to Warrant item (b) (“Evidence and uncertainty”).

Cultural concerns

Twenty-three submissions commented on Maori cultural matters and four on other cultural issues.

The Maori submissions were concerned with respecting Maori cultural values. The non-Maori submitters were also generally concerned that Maori cultural values should be acknowledged and respected.

On other cultural matters, the focus was on informed choice. It was important that consumers should be able to comply with cultural/religious tenets: for example, by being able to select foodstuffs that had no genetically modified ingredients.

Maori cultural concerns

Two submissions from Maori representative organisations, and a further 21 other submissions made substantial comments under this item on cultural concerns. The non-Maori submitters included Church groups, industry networks, consumer groups, and two government bodies.

As a general rule, most Maori submitters commented throughout their submissions (rather than under this item) on the cultural implications of genetic modification technology. Several made detailed comments under Warrant item (g) (see section “Responsibilities under the Treaty of Waitangi”).

The points made in the two Maori submissions under this item included:

- the need to respect Maori ethical and cultural values
- Maori participation in decision-making.

There was concern that Maori ethical and cultural principles should not be diminished or demeaned “in acquiescence to scientific experiments”. It was suggested that Maori in the main were opposed to the transfer of human genetic material into other species, and that “opposition is ethically and morally bound up with the value system of Maori as tangata whenua”. Maori Congress [IP103] referred to a number of Maori concepts, including mauri, mana, rangatiratanga and ira tangata, and indicated that these formed a “paradigm for sustainable utilisation and enhancement of taonga”.

Reference was made to the close relationship Maori have with the land and taonga. It was suggested this be taken into account in the biotechnology debate via consultation and Maori participation in decision-making.

In a comment representative of the views in the Maori submissions, the actual relationship between Maori and the land was described elsewhere by the WAI 262 claimants, Ngati Wai, Ngati Kuri, Te Rarawa [IP89]:

Maori, like other indigenous peoples, have a unique relationship with their natural world. Maori view themselves as part of the natural world and therefore understand the importance of protecting these taonga. The people, the land, the sea, the forest and all living creations are all members of the same family.

Non-Maori submitters also expressed concern about respecting Maori values in the debate on genetic modification. Religious groups acknowledged a different

relationship between Maori and the natural world from that “found in many Western cultures”.

Environmental Risk Management Authority (ERMA) [IP76] noted an incompatibility between genetic modification and concepts of tikanga (whakapapa, kaitiakitanga) and the principles of the Treaty (active protection, acting in good faith), but expressed the view that “these concerns are not necessarily widespread and may not be generally held by Maori”.

Other cultural concerns

The need for informed choice for consumers (also discussed in relation to Warrant item (j) (i), “Areas of public interest: human health”) was a theme in submissions referring to other cultural issues.

New Zealand Jewish Community [IP80] referred to Jewish cultural customs, although the focus of their submission was on religious beliefs and practices. In light of Judaism’s strict rules governing the handling of animals, foods and medicines, the submission stressed the importance of “informed choice” for consumers, particularly in relation to food labelling.

On cultural issues in general, Federated Farmers of New Zealand [IP34] indicated that the agricultural sector had responded to a wide range of cultural beliefs and practices; for instance, halal and kosher requirements for killing stock. Federated Farmers supported a general policy of “choice” in accommodating cultural requirements, and was “opposed to the notion that the cultural rights of one group in society should over-ride the rights of other members of the same society to the extent that they confer a right of veto”. New Zealand Life Sciences Network [IP24] and New Zealand Wool Board [IP30] raised similar views.

Ethical concerns

Submissions on ethical issues came from the religious groups sector and the economic/production sector. Themes involving ethical issues included:

- fundamental ethical concepts
- governing principles
- need for a governing ethical regulatory framework.

Submitters from religious groups raised the need for clarity in the terminology used, with a distinction being made between ethical and moral issues in relation to genetic modification. One submitter (Catholic Bishops’ Conference [IP38]) indicated that different uses of the term “ethical” tended to confuse rather than to enlighten, and suggested that definitions of “ethical” and “moral” were required.

The Conference noted that “ethics” comes from “ethos” meaning principles or mores or values. Ethical values were seen as flowing from our nature as human beings living in a community, and reflected “fundamental codes of being and behaviour”. Morality was held to include ethics, but also to encompass “the added perspective of a faith tradition”.

Some religious groups saw ethical concerns as including people’s right to offer “informed consent” on matters of genetic modification. “Ethical concerns include the need for autonomy and the rights of all to give or withhold informed consent regarding GM” (Interchurch Commission [IP49]).

Underlying concepts

Reverence for life

Submissions from the religious groups sector referred to “the interdependence and interconnectedness of life”, and emphasised a responsibility to live with a reverence for life (Quaker Spiritual Ecology Group, Religious Society of Friends [IP50]). The Group expressed dismay at the perceived rush to patent life forms and genes, and “bio-prospecting for profit”. Other submitters from this sector expressed concern about “enhancement” of human characteristics to make a “perfect” being (described by some as production of “designer” babies) and the use of embryos for research purposes.

ERMA [IP76] noted that ethical issues raised in applications that it had assessed expressed a fear that approval of genetic modification would be the start of a “slippery slope” which would trigger “big picture ethical issues” such as the unnatural creation of unnatural hybrid species, cloning to produce genetically selected children, and “scientists playing God”.

Ecological integrity

Some submitters raised concerns over permanent ecological damage to the environment for future generations.

Interchurch Commission [IP49] referred to:

... a strong sense of stewardship of the earth and a concern therefore that in careless manipulation of the flora and fauna of New Zealand we may inflict permanent and unpredicted damage on our environment.

Other religious groups were concerned that the long term impacts of different forms of genetic manipulation had consequences for future generations, despite the beneficial effects. There was a suggestion that “genetic modification interferes with the creative, intelligent process of life itself” (Quaker Spiritual Ecology Group [IP50]).

Governing principles

The following general principles emerged from the submissions as a basis for guidance in dealing with ethical issues:

- non-maleficence (no harm)
- public participation
- public ownership of genetic information
- informed choice
- wider public good prevailing over profit.

There was an emphasis in the submissions from the religious groups sector on education, public information and discussion about genetic modification issues, and that ethical criteria should outweigh commercial considerations.

Public Questions Committee (Methodist, Presbyterian, Churches of Christ, Quaker) [IP93] repeatedly emphasised that “goodness” must be the “primary criterion in the development of GM policies”. Good actions were those that aimed for “the welfare of all New Zealanders, other people, the environment and biosphere”. Similar views were raised by Catholic Bishops’ Conference [IP38].

New Zealand Wool Board [IP30] suggested the adoption of a “utilitarian ethical framework”. The Board commented that a utilitarian approach to public policy is:

... the moral framework that holds that the morally correct course of action gives due weight to the interests of all people equally. An interest can be defined as something that a person wants, or a means to it.

Many of the above principles are further discussed elsewhere in this report (for example, in relation to Warrant item (k) on “Strategic issues” and Warrant item (c) on “Risks and benefits”).

Institutional frameworks for ethics

Submissions on this topic came from a variety of sectors including farming, government agencies, biotechnology companies, producer boards, religious organisations and Maori groups. There was a divergence of views, ranging from submitters who believed that the current framework was adequate to those who saw a need to construct an ethical framework. In broad terms, the range of positions was:

- current system works: no change required
- current system generally satisfactory: minor improvements would help
- system inadequate or non-existent: framework required.

Ethics committees

Life Sciences Network [IP24], Federated Farmers [IP34] and Aventis CropScience [IP14] commented that New Zealand already had a well-established ethical framework (eg, medical ethics and animal ethics committees) and already considered ethical questions arising from research. Federated Farmers [IP34] stated: “GM technology does not introduce any new ethical questions that have not already been considered in such a framework.”

Legislation

For some submitters, the Hazardous Substances and New Organisms Act 1996 (HSNO Act) provided a generally workable framework. One large company from the forestry sector suggested that cultural and ethical concerns could be dealt with on a case-by-case basis by adopting the consultation processes indirectly provided for under the Act (Carter Holt Harvey/Fletcher Challenge Forests [IP17], in an accompanying witness brief).

ERMA [IP76] in discussing the “strengths and weaknesses” of the HSNO Act made a similar point: “A strength of the Act is that it provides a framework which conforms strongly with ethical principles.” Ethics was defined as “taking full account of the interests of all those affected when deciding what to do”. ERMA acknowledged some weaknesses with the Act, but overall was of the view that:

... the current legislative and decision-making arrangement has strong merit compared to other arrangements, provided some important elements of the framework can be tidied up ...

Matters to be tidied up included: clarifying HSNO coverage of human cell use, providing for a clear interface with other legislation and implementation agencies, providing more discretion over public notification, provisions governing the ability to set policies or make determinations giving guidance on dealing with applications under the Act, and other matters. (These are discussed in more detail in relation to Warrant items (2) and (n) on “Statutory and regulatory processes”).

New approach

In contrast, Parliamentary Commissioner for the Environment [IP70] concluded that New Zealand had no purposeful framework to assess the risks and benefits of genetic science. The Commissioner went on to suggest that “a wide range of views and value sets” would need to be acknowledged and “given space” in the debates and decision-making processes. A series of principles proposed for these processes in an accompanying witness brief included:

- accessibility for all interested persons and groups
- provision of wide ranging information

- transparency of information and openness of discussion
- recognition of the Treaty of Waitangi and provision for fulfilment of kaitiaki responsibilities for tangata whenua
- accepting the precautionary principle.

Auckland Uniservices [IP23], Rural Women [IP52] and several submissions from religious groups also commented on the need for guidelines. Some submitters suggested that a case-by-case assessment of GM applications was insufficient, with Catholic Bishops' Conference [IP38] indicating that cultural concerns, in particular, were better handled at the level of a framework of principles rather than on a case-by-case basis as at present.

Anglican Church [IP42] suggested the establishment of an Ethics Council “bound to utilise guidelines or principles which may be adopted from the recommendations of the Royal Commission” and free from any political interference.

Taking an alternative approach, WAI 262 claimants [IP89] referred the Commission to the principles and the Code of Ethics developed by the International Society of Ethnobiologists. This Code of Ethics sets out guiding principles such as “active participation”, “full disclosure” and “prior informed consent and veto” in accessing plant and genetic resources and benefit sharing.

Spiritual issues

Several submitters from religious groups raised the importance of a separate and distinct section to consider ‘spiritual’ concerns.

The broad themes which emerged were:

- respect for the sacredness of life and creation
- acknowledgment of the spiritual views of indigenous peoples.

Respect for creation

Interchurch Commission [IP49] saw “spiritual concerns” as distinct from “ethical and cultural concerns”. Spiritual concerns included a sense of humility, expressed in terms of the query “Do we have the ‘right’ to manipulate ‘God’s world’ in this way?”

Public Questions Committee [IP93]) noted that every aspect of genetic modification had a spiritual, cultural and ethical dimension, and considered that there should have been “a separate section [in the submission form] to assist those

interested parties for whom spiritual values are of fundamental importance to their world view”.

Anglican Church [IP42] discussed its beliefs and explained that “all human beings are spiritual beings” and “all are the children of God and made in God’s image”.

Quaker Spiritual Ecology Group [IP50] also commenced its submission with a reference to the Quakers’ spiritual traditions, including the importance of respecting life. In relation to genetic modification, its concerns were based on the “spiritual and ecological understanding that all life is sacred, and that all life forms are interdependent and interconnected.” The Group suggested that genetic modification intervened in these processes with unpredictable results.

Beliefs of indigenous peoples

Anglican Church [IP42] indicated that it encouraged a view of the biosphere as a place of “discovery and awe rather than a realm for further exploitation, ownership and profit”, and referred, with approval, to the spiritual traditions of indigenous peoples that provided an alternative way of looking at creation rather than the ‘usual Western approach of dominance’.

ERMA [IP76] noted that Maori spiritual concerns had been raised in applications to the Authority, and also that “the same point” had been made by some submitters who claimed that genetic modification is forbidden according to Christian scripture (largely Old Testament) and therefore contrary to their spiritual beliefs. ERMA concluded (by a majority) that:

... the issue is essentially jurisprudential, i.e. the extent to which spiritual beliefs should be upheld in the interpretation of the law — and that the Treaty of Waitangi does not require the rest of New Zealand society to accept Maori (or Christian) spiritual beliefs as the determinant of how the HSNO Act should be implemented.

At the time of this analysis of submissions, ERMA’s decision was under appeal to the High Court.