

Ethics and Law in the Regulation of Genetically Modified Organisms (GMOs)

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Introduction

Monsanto Canada Inc. v.
Schmeiser [2004] 1
S.C.R. 902, 2004 SCC
34

- right to replant seeds that grew on his own property.

Monsanto Co v.
Bowman Citation 569
US_(2013)

- right to save seed.

Marsh v Baxter
[2014] WASC 187.
(CIV 1561 of 2012)

- right to grow GM-free food

2013 India

- Supreme Court's expert panel of scientists recommended indefinite moratorium on GM field trial

The Petition for Writ of Kalikasan of Greenpeace Southeast Asia (Philippines), et al. (2015)

The Supreme Court ruled against conducting field trials of genetically modified eggplant or BT Talong as a precautionary measure to protect human health and environment and promote people's constitutional right to a healthful and balanced ecology.

Art.15 : International Covenant on Economic Social and Cultural Rights

Freedom on scientific research & right to enjoy the benefits of scientific progress & applications

Must be balanced against certain standards of bioethics

UNESCO's International Bioethics Committee (IBC)

The importance of taking international human rights legislation as the essential framework and starting point for the development of bioethical principle

= human rights and human dignity are fully respected.

Bioethics

Not limited to religious and cultural specificity

Respect for life, liberty, human dignity and non-discrimination

Right share, right to information, right to choose, right to be informed, right to participate, right to healthy environment

Farmers' right

- Right to livelihood (beneficence principle)
- Right to a fair treatment in trade and law (principle of justice)
- Right to local values and traditions (principle of justice)
- Right to adopt or not to adopt the new technology (autonomy)

Right to Environment

- **Rights to healthy environment**
- **Rights to preserve and conserve biodiversity**

Consumers' right

- Rights to be informed and to choose(ethical concept of autonomy of individuals)
- Right to democratic participation (justice and equity)

Reasons for Incorporation Ethical Concerns into the Regulatory Process

In a democratic society, citizens should have the right to comment on whatever issues concern them regarding government decisions.



Reasons for Incorporation Ethical Concerns into the Regulatory Process

Would Create Opportunities for
Greater Public Participation,
Strengthening Public Trust in GMOs
and GMO Regulation

Biosafety Act 2007

Regulation 25(b) of the Biosafety (Approval & Notification) Regulations 2010

- ethical values of community may be considered in the socio-economic considerations pursuant to section 35 of the Act.

Concerns about Incorporating Ethical Issues into the Regulatory Process

May Be Incompatible with International Trade Laws

Truth could be sacrificed for legitimacy in an attempt to win public trust

Concerns about Incorporating Ethical Issues into the Regulatory Process

Disagreement on what is ethical and unethical issues

More intangible

Approaches for Considering Ethical Concerns

Ethical Impact Statement

Ethics Review Board

Conclusion

Some ethical aspects of GMOs fall within the context of the human rights which may provide a more precise and sound basis for biosafety legal framework.