



## Five Year Moratorium central to Council position on GMO Release

The Council believes it will take at least another five years before enough of the science is understood to allow an informed decision on GM release.

### The Council

The members of the Sustainability Council of New Zealand are businessman and former Federated Farmers president **Sir Peter Elworthy**, sporting legend **Dame Susan Devoy**, Auckland University Professor of Biochemistry **Professor Garth Cooper**, food author **Annabel Langbein**, and actor **Sam Neill**. The Council's Executive Director is **Simon Terry**, manager of a Wellington research consultancy.

The Council's overall purpose is to assist the realisation of a sustainable New Zealand.

"While it is the GM issue that brought us together earlier this year, the more we have discussed what we are concerned about and what we want to achieve, the more we see GM as just a part of the wider question of achieving sustainability for New Zealand overall."

Central to the notion of sustainability is protecting and enhancing New Zealand's ecosystems, the health of New Zealanders, and our ability to derive income from established land uses. GM bears on all of these.

It is also having an enormous influence on how other issues related to sustainability are to be addressed.

As a nation, we need to feel confident that an independent process of evaluation of the issues is undertaken.

"The Council is independent of any other organisation and will be providing independent research, analysis, and oversight on this issue" said Sir Peter.

Alongside ecological issues, more time is required to consider the enormous trade and marketing risks for New Zealand should GMOs be released for use in agriculture now.

At the launch Council chairman Sir Peter Elworthy made it clear that the Council is pro-science and sees real potential in medical and other laboratory applications deriving from gene science.

"However, we share the concerns of the majority of New Zealanders on the issue of GM release. Polling has consistently shown that over 60% of New Zealanders are concerned about the release of GMOs into the environment."

These concerns cover three areas:

- Trade risks to New Zealand
- Effects of GMOs on the environment and human health
- Regulatory issues

The Council does not believe the scientific questions behind these concerns can be adequately addressed in less than 5 years

But the GM debate is far from just a question of scientific uncertainty. The trade and marketing risks for New Zealand are enormous



**Launch Press Conference, 3 July 2002**  
From right: Dame Susan Devoy, Sir Peter Elworthy and Annabel Langbein

“As a Council, we see a clear case for a five year moratorium and subsequent review. The onus is on those who seek a faster timetable to detail how the outstanding scientific questions will be answered in time, and to provide a far better business case for this than has been presented to date.”

**Sir Peter Elworthy**

if GM agriculture is adopted.

A recent survey showed 49% of farmers wanted to see NZ GM-Free while only 21% wanted to grow GM crops. Most importantly, consumers in both New Zealand and many of its prime export markets do not want to eat GM food.

“Working through all these issues is going to take far longer than the 15 months left under the current moratorium. We do not prejudge the outcome of that investigation. We just say that it is going to take more time,” said Sir Peter.

“We acknowledge the Government’s signal that an extension may be necessary, but we look forward to confirmation that this will in fact be government’s view.” ■

## GM Release five times more risky for New Zealand

New Zealand would be taking a much greater gamble than other nations if it adopted GM agriculture.

Agricultural produce accounts for nearly half New Zealand’s export income. This is 5 times the OECD average, double Greece which is the nearest country, and nearly three times Australia. For most developed nations, the figure is closer to 10% than New Zealand’s 47.8% reliance.

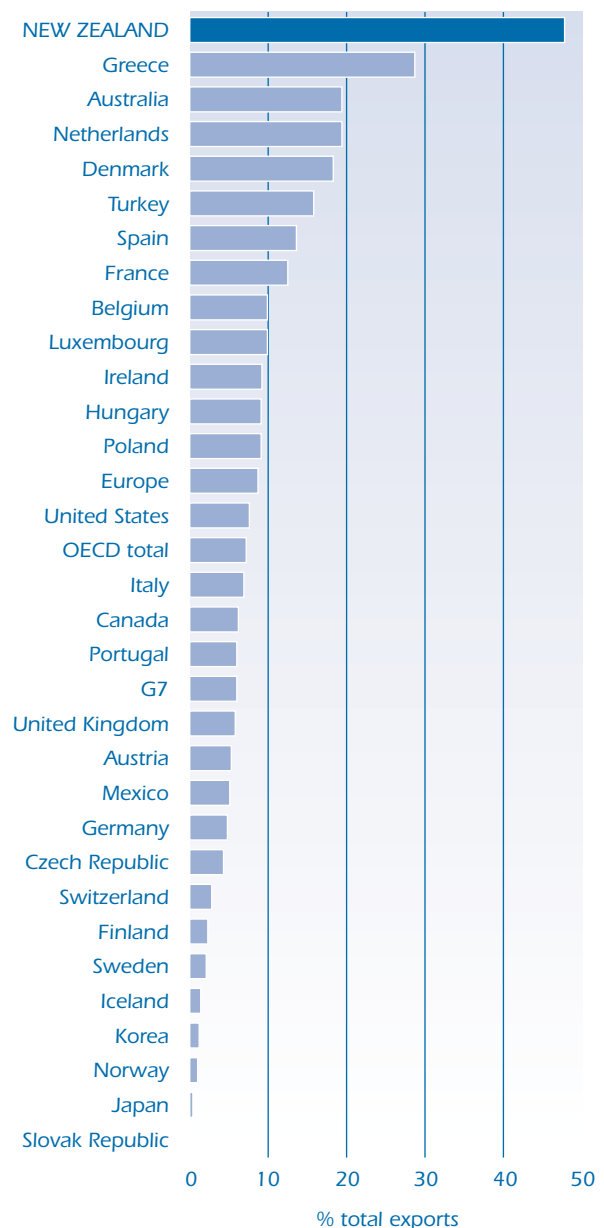
“This means that for New Zealand, the risk of adopting GM agriculture is 5 times greater than typical OECD nations”, said Sustainability Council Chairman, Sir Peter Elworthy at the Council’s launch.

“The EU is still our big-

gest customer for agricultural products and 71% of Europeans say they do not want to eat GM food, no matter what level of testing has been applied. Japanese consumers are also very resistant to food containing GM products” said Sir Peter.

“Why would we deliberately walk away from the successful and highly desirable ‘clean and green’ brand in order to embrace a food production technology that so many key markets are currently resisting.”

The European Commission is currently working on traceability regimes that will allow more and more food produce to be traced to its



**Agriculture as % of total exports**  
(1999 OECD figures)

“Some of the scientific questions are very deep, difficult questions that are going to take a long period of time to answer – and I wouldn’t expect New Zealand to have the resources to answer them. It’s absolutely not correct for New Zealand to be a leader in the commercial release of GE. We’re under-resourced and these are big, real questions.”

**Professor Garth Cooper**

point of origin and to pinpoint its makeup. "If GM food continues to be rejected in the marketplace, there will be no hiding in the more sophisticated markets such as Europe", said Sir Peter.

"Yet, if New Zealand were to instead choose to hold back from GM agriculture, and brand its products as free of GMOs, this information would also reach, and potentially attract, overseas consumers".

According to economic research by Professor Caroline Saunders, of Lincoln University, New Zealand could be expected to obtain higher returns for its food exports if it were not a GM producer than if it embraced GM agriculture.

Across a range of export foods her study showed at best minimal additional returns under GM production, and distinct benefits under the zero or low GM option. ■

## Europe Sets the Standard for GM Liability Law

Attorney General Margaret Wilson has responded to requests for release of the Law Commission report on GM liability by sending it back for redrafting.

The report was delivered to Margaret Wilson on May 17 and her office originally planned to release it in mid June.

"One of the important observations the report is bound to contain is that Europe is providing strong leadership on environmental liability law," said Simon Terry, Executive Director of the Sustainability Council of New Zealand.

The European Commission recently set policy that will result in GM developers bearing the full costs of any environmental damage resulting from the release of GMOs. 'Polluter pays' is the founding principle of this proposed European law.

The European Commission's position is very similar to that set out in a report by Simon Terry Associates and Chen Palmer & Partners entitled *Who Bears the Risk? Genetic Modification and Liability*.

Both recommend strict liability. Both also recommend that the exposure to damages is not capped so that operators have every incentive to



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From right: Dame Susan Devoy, Sir Peter Elworthy, Annabel Langbein and Professor Garth Cooper

prevent damage in the first place he said.

*Who Bears the Risk* was written as a response to the report of the Royal Commission on Genetic Modification.

"The Royal Commission did not provide analysis to back up its opinion that existing liability law should remain unchanged," said Simon Terry.

"The Commission recognised that, under existing law, some of the most serious biotechnology risks would end up being carried by innocent third party citizens, farmers and businesses. That is wholly unacceptable."

Now that the EC has confirmed the 'polluter pays' principle, the Royal Commission's recommendation to allow laws to stand that would have the 'polluted pay' is out of step. New Zealand GM liability law is quite inadequate in comparison to the standards set by the European Commission.



"I would urge the present government and the incoming Government to seriously reconsider this lifting of the moratorium, and to give the people of the New Zealand time to consider and debate this most critical of issues."

"It seems to me to be an even more serious issue than even the nuclear-free debate that we had 20 years ago."

**Sam Neill**

"I have always considered NZ to be the premium food basket of the world and we need to maintain the position if we are to continue to be successful."

"As a foodwriter, a mother and a consumer, I am concerned that we do not know enough about GM technology to make a decision to allow release into our environment."

**Annabel Langbein**

At the time *Who Bears the Risk* was released, the Life Sciences Network said that the effect of its proposals on GM research would be to "punitively disincentivise it out of existence" and send the research offshore.

Clearly Europe is not going to subsidise GMO release by exempting operators from strict liability.

Equally, those planning to release GMOs in New Zealand should not expect to be subsidised by anyone, let alone innocent third parties who suffer damages.

Putting the financial risks with the developer/operator is a very important commercial discipline.

One of the reasons the Sustainability Council has called for an extension of the current moratorium on GMO release is to allow for liability law reform to be completed. Release of the Law Commission report is the first step in that process. ■

**Reference**

European Commission, *Proposal for a Directive of the European Parliament and the Council on Environmental Liability*, January 2002. The Commission notes that: "This proposal will be presented to the Environment Council. This will start the legislative procedure at the end of which the European Parliament and the Council of Ministers will jointly adopt the new Directive."

"Never before have New Zealanders been more aware of the need to protect our environment and resources for future generations... Like most New Zealanders, I share the concerns about the release of GMOs into the environment..."

**Dame Susan Devoy**

**Sustainability Council of New Zealand**

PO Box 24304, Wellington

Tel: 04-9133655 ■ Fax: 04-9133760 ■ Email: [council@sustainabilitynz.org](mailto:council@sustainabilitynz.org)  
[www.sustainabilitynz.org](http://www.sustainabilitynz.org)



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