



The Irish Council for Bioethics (ICB) has said the failure by Ireland to provide a comprehensive and cohesive system concerning embryos 'undermines the moral value of the human embryo. It may also hinder developments in this field of research in Ireland'.

Picture: Firefly Productions/ Corbis



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# CRUX OF THE UNBORN

**T**ODAY the Supreme Court will rule on an appeal by a woman in her 40s who wants permission against the wishes of her now ex-husband, to use frozen embryos generated in a fertility clinic.

The decision will likely clarify the legal definition of the word "unborn" as used in the Irish Constitution and so this ruling will have implications for many branches of medicine and research in this country, including assisted fertility treatments and stem cell research.

The Irish Medical Council has recently said that in the absence of legislation, it is now no longer able to take a position on the status of pre-pregnancy embryos generated in assisted fertility treatments.

Despite recommendations by the Commission on Assisted Human Reproduction in 2005, and the Irish Council for Bioethics in 2007, the government has not enacted any legislation to clarify the status of pre-pregnancy embryos. Ireland's current lack of legislation is the worst of all possible worlds for everyone: whether you are a couple experiencing fertility problems, a doctor who has to treat a patient, a medical researcher, or a patient waiting for a cure for say type 1 diabetes or motor neuron disease. With the vacuum of legislation no one knows where they stand.

In addition, no one outside of

## Irish Stem Cell Foundation directors **Dr Stephen Sullivan** and **Dr Fionnuala Gough** discuss the impact of today's Supreme Court decision on Irish medicine and research

Ireland knows where the Irish stand, making inward migration of expertise and investment into medicine and research less probable — and ultimately it is the Irish patient that suffers.

Significantly, as stem cells are more commonly used in disease-centred research, Ireland's strong investment in this area may be undermined by the continuing lack of legislation. High quality clinical care and research will not flourish with just funding, it needs sound governance too.

As we have seen with the financial sector, lack of clear legislation can have deleterious effects on Irish society. Clearer legislation in areas such as reproductive medicine is to be welcomed.

In different societies the moral status or degrees of protection accorded to the embryo is constituted "linguistically, culturally, scientifically, politically and through its religious and secular beliefs". Within Judaism, the Halakah's position (Jewish Law) concerning the moral status of the

embryo is that the embryo acquires a moral status from 40 days after fertilisation. A foetus's moral position then develops gradually throughout a pregnancy until birth.

Within Islam, human life is considered valuable and deserving of protection from conception onwards but that a full human person is not present until the body and soul subsist together. This is believed to happen at eight weeks' gestation. More secular societies such as Britain, while rejecting the view that embryos are full human persons, allow that embryos are different from other human tissue because of their potential to develop into new human beings. This attitude may be described as "special respect", symbolising respect for human life generally.

Ireland has a strong Catholic tradition. The Catholic Church has historically defended the sanctity and dignity of human life, claiming that embryos should be afforded the same moral status as any adult, that is, full moral status, from the moment ferti-

lisation is complete. By extension it has been argued that embryos have, therefore, the same intrinsic value as a fully developed human being and thus an absolute right to life which cannot be violated at any cost.

The current position of the Catholic Church has been questioned by some Catholic philosophers who, while accepting the Church's position of condemning abortion, argue that it is only at day 14 of development that "an ontologically human individual" comes into being. Thus, they conclude, the moral status of the embryo is, prior to day 14 "not that of a person, and its uses for certain kinds of research can be justified".

The assertion that the embryo, pre-day 14 of development, should not be afforded full moral status at this early stage of development, has received support from the Irish Council on Bioethics (ICB) which has proposed that the moral value afforded to embryos be based on recognition of their potential to develop into human

persons, and from their representation of human life in its earliest stages. The ICB proposes that the potential gains from research will ultimately justify the diminution of the protection of very early human life and the destruction of embryos during the research process.

In the conclusion to its review of regulatory frameworks, the ICB stated that the failure by Ireland to provide a comprehensive and cohesive system concerning embryos: "undermines the moral value of the human embryo. It may also hinder developments in this field of research in Ireland. Thus, the council recommends the establishment of a state funded regulatory authority, which would function independently and transparently (in its principles and agenda), to oversee embryo research."

This conclusion is in agreement with the Commission on Assisted Human Reproduction in Ireland (CAHR) which, in its 2005 report, also recommended that research be

allowed in the Irish Republic on supernumerary IVF embryos up to the emergence of the primitive streak. This approach is also in general agreement with the regulations contained in Britain's Human Fertilisation and Embryology Act 1990, (as amended recently by the Human Fertilisation and Embryology Act 2008).

Both the CAHR and the ICB, with their policy initiatives, have tried to weigh the moral value of human embryos against the moral value of human welfare, attempting to balance an acceptance of the value of human life against the obligation to care for existing human kind generally.

The Irish Stem Cell Foundation is an independent, non-profit organisation — composed of doctors, scientists, patient advocates, business people, policy developers, teachers and students — was established in October 2009 in Ireland to:

- Accelerate stem cell research to cure the major illnesses of our time.
- Provide a focus on education in all areas of stem cell research and therapy.
- Establish a forum to promote, foster and exchange accurate information on the progress of stem cell research to all interested parties.

The foundation also seeks to have appropriate legislation and improve current governance to make Irish medical research more competitive internationally and to educate and thus reduce risk to the Irish patient.

- For more information log on to [www.irishstemcellfoundation.org](http://www.irishstemcellfoundation.org)

# North-South relations 10 years a-growing

**O**N December 13, 1999, the then Taoiseach and government ministers met the then First and Deputy First Ministers and other ministers of the Northern Executive at a historic meeting in Armagh. This was the first plenary meeting of the North-South Ministerial Council (NSMC) established under Strand Two of the Good Friday Agreement. Yesterday, we held the ninth plenary meeting of the council in Limavady, Co Derry, when, again, the Government and the Executive had a broad ranging discussion with a strong focus on the common economic challenges facing both jurisdictions.

Since that very first meeting in Armagh 10 years ago, there have been more than 100 further engagements between ministers, under the umbrella of the NSMC, to discuss and take common action in areas such as transport, agriculture, environment, health and education. Ministers have also overseen the work of the six North-South bodies established under the Good Friday Agreement including Tourism Ireland, Inter/Trade/Ireland and Waterways Ireland.

By now, such ministerial meetings have become routine and no longer attract either much controversy or publicity. This is how it should be. In fact these days, the words North-South cooperation tend to conjure up images of Ireland's Grand Slam rugby champions rather than ground-breaking encounters between Northern and Southern ministers.

At government level, we are

Bilateral cross-border cooperation is going from strength to strength, writes Minister for Foreign Affairs **Micheál Martin**



focussed on the broader long-term picture and the many opportunities deeper North-South cooperation presents. It is my strong view that, on the basis of the Good Friday Agreement, we must continue to develop and expand North-South relations to deliver benefits for all of the people on the island.

In last week's budget, the Government took painful but necessary steps to stabilise the public finances and lay the platform for renewed economic growth. Similarly, the Executive in Belfast is facing daunting challenges as it, too, tackles the challenge of maintaining frontline public services in the face of budgetary shortfalls.

Against this background, there is surely scope for a much deeper dialogue between us to exploit synergies, end duplication, explore

the scope for shared public service delivery and make the most effective use of our limited resources on the island. At my recent NSMC meeting with Peter Robinson and Martin McGuinness, I made these points and the Government was set to raise the matter again at yesterday's NSMC plenary meeting in Limavady. It is precisely for such sensible, practical, mutually beneficial projects that the NSMC was created. I would hope that when ministers meet in the NSMC in 2010 they will pursue an agenda focussed on how we can work together and support one another as we each tackle the most difficult economic challenges in a generation.

We are already making progress. Health ministers have agreed that in the north-west we will work towards the development of a shared jointly funded cancer treatment facility located at Altnagelvin Hospital in Derry. They have also endorsed a service level agreement which will allow specialised paediatric cardiology services to be delivered at Crumlin Hospital on an all-island basis. Families in parts of Donegal and Armagh can now access their closest out-of-hours GP services, even though these are on the other side of the border.

In the critical area of education, we are cooperating in areas like educational underachievement and special education needs, ensuring expertise is shared and best practice developed throughout the island. In higher education, links between our universities and research centres are



An Taoiseach Brian Cowen with Deputy First Minister Martin McGuinness and First Minister Peter Robinson at a meeting in Limavady yesterday. Picture: PA

growing and promising new alliances, like that between Letterkenny Institute of Technology and the University of Ulster in the north-west, are beginning to emerge. Such cooperation is essential if we are to build the kind of 'Innovation Island' which will attract smart economy investment North and South. And through programmes like the US-Ireland Research and Development Partnership and the EU's Seventh Framework Programme (FP7), our brightest minds are increasingly

pooling their talents and their time to ensure the island develops a deserved international reputation for cutting-edge research and innovation.

We now have a single electricity market (SEM) for the island and are working hard to ensure customers also benefit from efficiencies created by common arrangements for gas. In the area of renewable energy as well, we are working together towards shared targets to derive 40% of our energy from renewable sources by 2020. This island has

enormous wind and ocean energy reserves and it is by continuing to collaborate, North and South, that we will ensure this potential is fulfilled.

The north-west perhaps best illustrates the potential of our joint efforts. Through the North-West Gateway Initiative, the Government and the North's Executive are working together to ensure the people of Donegal and Derry benefit from shared planning and pooled resources. That is the basis for the Government's commitment to help upgrade the A5 road to Derry and Letterkenny, to which we contributed an initial €9 million at the end of November. It has also underpinned our support for high-speed and low-cost broadband through Project Kelvin. We are seeing these cross-border efforts replicated in the central border area and east border region, where exciting initiatives in areas like geo-tourism and sustainable energy are capturing the imagination and feeding in to strategies for economic recovery.

In the current budgetary circumstances, the argument for increased North-South cooperation to eliminate duplication and provide shared services is more compelling than ever before. As we celebrate 10 years of the North-South Ministerial Council at our meeting in Limavady, we can look forward with confidence to 10 more years in which deeper and smarter North-South cooperation will deliver tangible benefits to people throughout the island.