

section 3.7 |



appendix 3

Outcomes of Consultation: Submissions from the Public

Section contents

3.	Analysis of Public Submissions	22
3.7	International obligations	77
	Background	77
	Outline of this section	77
	Trade and other agreements	77
	Sovereignty issues	79

3.7 International obligations

Background

The Warrant, under items (d) and (l), called for information and views on, respectively:

the international legal obligations of New Zealand in relation to genetic modification, genetically modified organisms, and products

the international implications, in relation to both New Zealand's binding international obligations and New Zealand's foreign and trade policy, of any measures that New Zealand might take with regard to genetic modification, genetically modified organisms, and products, including the costs and risks associated with particular options

To consider the strategies and processes open to New Zealand in relation to genetic modification, the Commission needs to consider the international agreements and arrangements New Zealand has entered into, the obligations that arise under those agreements, and the implications that flow from them.

Outline of this section

This section of the report is short, mainly because just 1% of public submitters made any comment on New Zealand's international obligations. Comments centred on:

- trade and other agreements
- sovereignty issues.

Trade and other agreements

Of the 111 submitters who commented on international obligations, the largest group (47.7%) focused on the World Trade Organization. The next largest group referred to ANZFA, followed by the Convention on Biological Diversity (CBD). (See Table 3.14.)

If submitters did make comment on New Zealand's international agreements, they were reasonably likely to argue that the country does not have any international obligations. These submitters recognised that politicians in New Zealand may

Table 3.14 New Zealand’s international obligations affecting genetic modification choices (n = 111)

International obligations affecting GM choices	Number	%
World Trade Organization (WTO) agreements generally	53	47.7
Convention on Biological Diversity (CBD) – Cartagena Protocol on Biosafety	26	23.4
Submitter states there are no obligations	19	17.1
Rio Declaration	9	8.1
CER – Australia and New Zealand trade and other agreements	8	7.2
World Intellectual Property Organization (WIPO)	2	1.8
Other (mostly ANZFA)	50	45.0
The “Other” category included the following international agreements identified by public submitters:		
<ul style="list-style-type: none"> • General Agreement on Tariffs and Trade (GATT) • Universal Declaration on Human Rights • UNESCO Rights of Disabled • development of a future Genetic Bill of Rights • International Convention on Economic, Social and Cultural Rights • Agenda 21 • Basel Convention on Trans Boundary Movements of Hazardous Waste • IUCN Draft International Convention of Environment and Development/Earth Charter • Montreal Protocol 		

Multiple response

have signed treaties and agreements concerning genetic modification, but argued that the country should not be bound by them. “This,” one submitter wrote, “... constitutes a time for drawing back from ‘binding international obligations’ ... where these affect the marketing and distribution of crop seeds and foodstuffs in this country.” Rather than being bound, New Zealand should renegotiate or withdraw from its international obligations, reserving the right to make its own democratic decisions without being pressured by other countries. The following quote sums up a strong feeling expressed by submitters that New Zealand:

... should never accept any attempt to reframe protection of our biodiversity, environment and the health, safety and indigenous and other cultural values of our people as ‘trade barriers’. The people must be consulted and issues voted on in parliament if our sovereignty is threatened in this way by trade negotiations and treaties.

Sovereignty issues

One group of public submitters argued that New Zealand’s participation in the international arena on genetic modification issues was a hindrance or threat to the country’s ‘sovereignty’ or autonomy. They argued that this participation should not be a basis for determining whether genetic modification technology and products are allowed in the country. Submitters who were particularly concerned about protecting the country’s ‘sovereignty’ or autonomy were mainly concerned about the country’s ecological integrity and preventing New Zealand’s becoming a “guinea pig” for other states and multinational corporations. Submitters also raised other issues, including:

- insufficient public input into international agreements that New Zealand enters into
- the opportunity New Zealand may have to opt out of agreements if they conflict with, or fall short of, national policies and standards relating to genetic modification
- the impacts on trade agreements of New Zealand’s genetic modification stance. Submitters referred to the impacts of our nuclear stance on trade relations
- the degree to which New Zealand has to recognise and accommodate international policies and standards. For instance, some submitters feared that we might have to recognise and accept genetic modification technologies covered by US or EU patents.