

section 3.10 |



appendix 3

Outcomes of Consultation: Submissions from the Public

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3.10 Treaty of Waitangi

Background

Warrant item (g) sought information about submitters' views on the Treaty by asking for comment on:

the Crown's responsibilities under the Treaty of Waitangi in relation to genetic modification, genetically modified organisms, and products

Outline of this section

This section of the report includes the following sections:

- Treaty of Waitangi
- tikanga principles and genetic modification.

Treaty of Waitangi

Only 64 public submitters commented on the Treaty of Waitangi, with passing reference to the Crown being in breach of the Treaty if genetic modification activities were allowed. One submitter identified the Treaty as the starting point for any discussion of genetic modification. Submitters felt that Government “must consider the Treaty” or that “allowing genetic modification into New Zealand would be a violation of the Treaty of Waitangi”. Only rarely did submitters go into any greater detail. Submissions in te reo Maori also made infrequent reference to provisions of the Treaty, and rarely discussed Maori cultural concerns in any detail. Any more substantial comment usually referred to the Crown being in breach of the Treaty in matters around genetic modification (see Table 3.17).

Some submitters who identified themselves as Maori expressed frustration that their concerns were being sidelined in the debate over genetic modification, one writing that “... as usual this is another disregard for the Tiriti o Waitangi, an agreement that the government should honour seeing as they drew it up.”

Tikanga principles and genetic modification

The greatest concern of public submitters commenting on issues relevant to Maori was the incompatibility of genetic modification with tikanga principles. Of the 200 commenting on issues relating to Maori, 64% raised this concern. Some pointed out that tikanga is central to any consideration of genetic modification. Some stressed that recognition of rangatiratanga is an essential basis for incorporating other tikanga principles. These principles are the source of the Maori value system, govern the Maori approach to managing environmental issues and should also underline any management of genetic modification. Aspects of genetic modification that were identified as incompatible with tikanga included:

- mixing of human genetic material with other species (raised by 26 submitters)
- inter-species genetic mixing (intentionally and unintentionally)
- genetic modification contamination of the environment, thus interfering with its spiritual value

As Table 3.17 shows, 47 submitters were also concerned about the impacts of genetic modification activities on indigenous flora and fauna and traditional knowledge. As discussed in the previous section, submitters were particularly concerned about Maori loss of control/or ownership of indigenous flora and fauna, particularly if genetic information was taken off shore or slight modifications were made to indigenous flora and fauna and the new genetically modified organism was patented.

Table 3.17 Issues raised relating to Maori, including Treaty matters (n = 200)

Issues raised	Number	%
GM is incompatible with tikanga	128	64.0
Crown in breach of Treaty	63	31.5
Need to protect ownership/traditional knowledge of indigenous flora and fauna	47	23.5
Should be no human/animal transfer of genes	26	13.0
No one cultural group should have greater rights in GM-debate than any other	15	7.5
WAI 262 has implications for GM-debate	5	2.5
Maori should fully participate in economic benefits	3	1.5
Reference to international documents (eg Mataatua Declaration/ Draft Declaration on Rights of Indigenous Peoples)	3	1.5
The Treaty is the starting point for any discussion of GM	1	0.5
Other	7	3.5

The "Other" category included matters raised by public submitters that usually related to actions that were needed to respond to issues raised. These included:

- the need to consult Maori about genetic modification
- the need to establish a framework that would ensure the protection tikanga and meet obligations to Maori under the Treaty of Waitangi
- the need to address inappropriate allocation of research funding, which breaches the Treaty by not funding Maori research. Current funding enables monocultural approaches to research
- ERMA's requesting of proof of Maori spiritual and metaphysical phenomena, which is demeaning and creates uncertainty in Maori communities
- the apparent ineffectiveness of the Treaty on a world scale.

Multiple response