NGĀ TOKI WHAKARURURANGA

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#4. WHAT THE GENE TECHNOLOGY BILL AND END TO GE-FREE AOTEAROA MEANS FOR HUA PARAKORE, RONGOĀ AND ORGANICS

A Gene Technology Bill to overturn GE Free Aotearoa was introduced to Parliament on 10 December, shortly before Christmas, and was sent to the Health Select Committee (unclear why). Submissions close on 17 February 2025. The government intends it to become operational this year.

The Coalition Government's pro-GE agenda

Officials were told to develop a Bill based on the Coalition Agreements, and in particular the three priorities in the National Party's election manifesto to:

- end the effective ban on Genetic Engineering (GE) and Genetic Modification (GM);
- create a dedicated regulator to ensure safe and ethical use of biotechnology; and
- streamline approvals for trials of use of non-GE/GM biotechnology.

MBIE has prepared a lengthy Regulatory Impact Statement (RIS) on the Bill to deliver on that instruction. Papers #1, #2 and #3 explain the ongoing and deliberate breaches of Te Tiriti in the Bill.

This agenda has no place for Te Ao Māori, tikanga, matāuranga and kaitiakitanga

The whole concept of rights or ownership over plant varieties goes against Māori ways of seeing and engaging with the world – we do not own the plants, they are our brothers and sisters with their own rights and mana. A Tiriti-based starting point would put whakapapa, tikanga, matāuranga and kaitiakitanga at the heart of decisions, and vest the responsibility to safeguard them and the mana to make the necessary decisions in ngā rangatira and tohunga. These are not duties that can be partly performed. Failure to maintain effective protections will have enduring consequences for taonga species and the practices and benefits that depend on them, whether safe foods, regenerative farming or rongoā. There is no space for this in the western capitalist model that this Bill embodies.

There are different views among Māori on precisely what a tikanga-based approach means.

Some Māori see the technology as just technology and neither good or bad; what makes it bad is how it is used, by whom. Others draw the line at the technology itself, because it originates from a paradigm of patriarchal science founded on a reductionist mechanistic standpoint that perpetuates domination of 'man' over nature. These technologies sever Māori from being a part of nature and move to a realm that elevates humans over nature. This is complex and there are many layers to consider, as the Royal Commission on Genetic Engineering and Wai 262 recognised. That's why there needed to be open Tiriti-based engagement on whether, and how, GE should be approached ahead of introducing this Bill.

Te Pae Tawhiti should have produced a Tiriti-compliant tikanga based approach to GE

Te Waka Kaiora pressed the GE issue in the Wai 262 claim and have continued to develop Hua Parakore seeds, food production and certification as an exemplar of rangatiratanga and kaitiakitanga. The previous government launched Te Pae Tawhiti to finally begin to implement the Wai 262 report, including changing the existing Hazardous Substances and New Organisms Act 1996 to meet Tiriti responsibilities. That didn't happen. Instead, this government is undoing everything it can on Te Tiriti.

Officials recognise Organics and Māori as the two losers from the Bill, but doesn't connect them.

The RIS has an extensive discussion on how the Bill with impact negatively on the production and export of organics. It also admits that almost every element of the Bill will leave Māori worse off than under the status quo of the HSNO Act, which the Wai 262 Report found was not Tiriti-compliant on GMOs. But the officials seem unable to connect Te Tiriti and organics. There is no holistic understanding of how whakapapa, Hua Parakore production and verification, and organics are inter-connected in relation to genetic engineering, whether (to use their terms) as processes or outcomes. Nor is there any recognition that rongoā will be affected by the removal of the GE ban.

Hua Parakore producers and rongoā practitioners had no say

There was no open engagement during the developing of this Bill that would have allowed hua parakore producers and rongoā practitioners to intervene and assert their rangatiratanga. There was a Wai 262 representative on the broader Māori Focus Group, but that had only two meetings with officials. "Key stakeholders" in the "targeted engagement" on the Bill included the *Organic Exporters Association of New Zealand Executive Board.* They are large scale organics exporters whose drivers are capitalism, export markets and profit.

Those commercial organics producers rejected the Bill and even they were ignored.

The Regulatory Impact Statement says

> "*Organics sector representatives do not support moving to a more permissive regulatory approach and would prefer maintaining the status quo with no releases of GMOs to market."* (p.42)

The organics producers advocated for the status quo, not an alternative tikanga approach.

> *"Organics producers have expressed support for the status quo because it effectively prohibits environmental GMO release, which guarantees New Zealand GE-free export status. Environmental release also raises concerns from organics producers and the viticulture sector, including questions about who has responsibility for avoiding contamination*" (p.82).

There was zero recognition that rongoā will also be at risk from contamination

Contamination of native species with GM species will put the safety of rongoā Māori and Natural Health Products at risk. It is impossible to know what impact this contamination might have on the health and wellbeing of people and places. Western science does not even recognise that question. If this Bill proceeds it will undermine the ability of kaitiaki to protect the gene lines/whakapapa of taonga and the mātauranga they afford our people in understanding the world, and put a huge burden on Māori to protect the 'bloodlines' of Indigenous flora and fauna. With no resourcing and no say in the decisions.

Officials' line: GMOs will end up being released so contamination will need to be managed.

> *"Unquantified costs to organic/non-GMO primary producers: At present this sector operates without risk of inadvertent contamination to their products from GMOs, because under the status quo there have not been any environmental releases of GMO products that could cause such contamination. Under the proposal, it is expected that eventually GMO products will be released into the environment which would require new supply chain management approaches to avoid contamination of non-GMO products."* (p.6)

> *"Inadvertent contamination by nearby GMOs that have been released into the environment may put organic certification and resulting market access at risk.* (115) *…. unintentional contamination and trade risks can be managed through the conditions and limits used to manage environmental risks."* (p.74)

> *"This risk can be mitigated by establishing coexistence frameworks across the GMO and non-GMO supply chains."* (p.116) … *"New Zealand would also need to implement an assurance programme for organic products and develop supply chain separation programmes that prevent unintentional crossover."* (p.74) …

> *"Supply chain segregation is common in the primary sector (quality differences, varieties, export requirements). A similar approach could be used to keep GMO and non-GMOs separate but would take time to develop and may involve additional costs to implement. Australian industry has set up such framework for canola production, which took 3-4 years to establish."* (p.116) …

> *"These tools are used successfully internationally for GMOs, such as in Australia and North America, and are already used in New Zealand for the organics sector."* (p.74)

So organics producers will just have to find a way to co-exist with GMOs …

> *" Organic/GE-free primary producers are concerned at the impact for their markets of any potential environmental release of GMOs in New Zealand, and how GMO and non-GMO supply chains would coexist."* (p.8)… *"There would be a cost associated with implementing coexistence measures and additional assurance costs … in response to both exempt products of gene technology being present in the environment and licensed environmental releases of regulated products."* (pp.46, 49)

In addition, repealing local government powers will remove localised controls.

> *"Organic producers have signalled that losing the GM-free status could negatively impact their businesses and have supported regional and district by-laws that restricting GMO release. They have indicated that more work will need to be done to set up appropriate coexistence frameworks."* (p.27)

> *"Removing the ability to locally restrict activity using the RMA may result in GMO field trials near organic, GE-free producers."* (p.86)

GE Free currently provides exporters with assurance in foreign markets

> *"The organics sector would be uniquely impacted by any eventual GMO release under a new regulatory regime. Currently, New Zealand organics exporters enjoy a de facto GE-free certification for their products. This sector currently certifies 'organics operators' which can enable access to certain markets".* (p.73)

The Bill will remove that status

> *"Some of New Zealand's trading partners will not allow import of products that include GMOs. …. The regulatory reform will provide a pathway for GMOs to be released into the environment more easily, meaning New Zealand's GMO-free status will eventually change. When this happens, New Zealand will no longer be able to rely on GMO freedom to give assurance that traded goods are GMO free when they need to be."* (p.27*)*

Organics are not treated as an economically significant part of the export market.

> *"We have identified that a potential cost of a more enabling system that sees greater release of GMOs in the environment is to the organics / GMO-free sector in New Zealand. … in 2020, organics made up 0.74% of New Zealand's total exports and 0.87% of New Zealand's primary sector exports, returning $420.4 million. New Zealand's organic market is focused on exports, and 58% of organic produce is exported.* (p.115)

Organics exporters will have to develop new assurance schemes

> *"Approvals for genetically modified plants and other non-medical GMOs to be released into the environment would be more likely. When this occurs, the organics sector would need to be able to assure their markets their products are GMO-free. This would entail costs to establish and implement frameworks to coexist with GMO supply chains and for additional assurance processes."* (p.62)

The organics industry is told to weigh up whether the profit is worth the additional cost

> The point of difference, and real advantages, to Aotearoa from being GE free are simply dismissed. *"If New Zealand no longer has a de facto GE-free status, a new certification would be required for organics producers.* (p.73) *… Officials agree that when GMOs are eventually released into the environment under the proposed regime, there will be additional costs to certify products as GMO-free. The costs associated with certification and any supply chain assurance programmes will vary depending on the sector and product. Importantly, this certification will only be required if there is an economic incentive to maintain the market, i.e. the premium that can be obtained for the product outweighs the additional costs. It is expected that additional costs to obtain this premium should be borne by those seeking to obtain value from it."* (pp.76, 116)

Requiring the Regulator to consider impacts on trade would stymie innovation

> "[Requiring the] *organics and primary export sectors' trade and market access interests … to be considered by the regulator … would likely weight decision-making about the environmental release of a given organism towards how it would affect incumbent sectors rather than towards the potential for innovation and increases in productivity."* (p.76)

Having Minister's call-in powers would allow organics producers to lobby

> *"Given the organics sector will be adversely impacted due to escalating certification costs when New Zealand is no longer GMO-free, the [Minister's] call-in power might provide an avenue for the sector to lobby the minister responsible for the gene technologies regime."* (p.96)

Pragmatic trade solutions could reduce economic costs of contamination - but they are not tika!

> *"As many countries have begun introducing GMOs into supply chains, some (such as the EU, USA and Australia) have implemented a maximum contamination percentage threshold for*

food products to allow for inadvertent GMO presence. This may create a safety net for organic producers in the event of incidental contamination [rest of sentence redacted for national economy reason].” (p.116)

The time has come to demand the implementation of the Wai 262 findings on GMOs and protect hua parakore and rongoā from the colonisation of GE.

29 January 2025

Make a submission against the Bill here:

https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCHEA_SCF_22059628-B0CC-4931-5E07-08DD18A12BFB/gene-technology-bill

Submissions close on 17 February 2025.