

## **New Zealand response to Notification 2019-031: Socio-economic considerations (Article 26 of the Cartagena Protocol on Biosafety)**

New Zealand makes the following submission in response to Notification 2019-031:

The notification invites submissions on (i) preliminary experiences using the voluntary "Guidance on the Assessment of Socio-Economic Considerations in the Context of Article 26 of the Cartagena Protocol on Biosafety" and (ii) examples of methodologies and applications of socio-economic considerations, in the light of elements of the voluntary Guidance.

### **General Comments**

Article 26 refers to socio-economic considerations *arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity*.

New Zealand supports the voluntary guidance on socio-economic considerations arising from the import of LMOs on conservation and sustainable use of biological diversity. We have previously noted that clarity on socio-economic considerations may be possible at the domestic level and based on national circumstances but that such clarity is likely to vary considerably among states. We have also noted that socio-economic considerations should not go beyond the scope of Article 26.

We note that the guidance on socio-economic considerations is inherently dependent on Parties having the basic capacity to conduct a risk assessment of LMOs. It is of concern to New Zealand that many Parties have yet to develop that capacity.

### **Use of the Voluntary Guidance**

New Zealand has taken note of the voluntary Guidance on socio-economic considerations. New Zealand legislation, which requires consideration of specific socio-economic considerations as set out below, has primacy over the voluntary Guidance.

When making decisions on genetically modified organisms (GMOs), New Zealand needs to ensure that decisions are consistent with the relevant socio-economic considerations set out in our domestic legislation, namely the Hazardous Substances and New Organisms Act 1996 (HSNO Act).

The HSNO Act provides for socio-economic considerations in a range of ways. In the first instance, one of the principles relevant to the purpose of the Act is: "the maintenance and enhancement of the capacity of people and communities to provide for their own economic, social, and cultural well-being and for the reasonably foreseeable needs of future generations".

In addition, the HSNO Act specifies that: “all persons exercising functions, powers and duties under this Act shall, to achieve the purpose of this act, take into account the following matters”:

- The sustainability of all native and valued introduced flora and fauna
- The intrinsic value of ecosystems
- Public health
- The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, valued flora and fauna, and other taonga
- The economic and related benefits and costs of using a particular hazardous substance or new organism
- New Zealand’s international obligations.

Lastly, the HSNO Act says that: “all persons exercising powers and functions under this act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)”.

The precautionary approach in section 7 of the HSNO Act requires that the decision-maker shall take into account the need for caution in managing adverse effects where there is scientific and technical uncertainty about those effects.

These principles are applied to each application for a new organism (including LMO) under the HSNO Act.

### **Examples of application of socio-economic considerations**

For the decision documents on applications to import, release, develop and field test genetically modified organisms under the HSNO Act, please use the links below. These provide access to a range of decision documents:

[GM import](#)

[GM release](#)

[GM development](#)

[GM field test.](#)