

15 October 2007

Thank you for the opportunity to write this submission and the extended deadline you so kindly allowed me.

I am writing on behalf of GE Free New Zealand, PO BOX 693, Nelson and do not intend to refer to the document in detail but will restrict the submission to general points.

Foreword.

This booklet published by the MED states the intent is consultation to facilitate policy, there is a case of 'fait accompli' inherent in this statement.

The foreword describes New Zealand's history of building its prosperity as being based on making the most of abundant natural resources. Indeed this is true when looked at from one viewpoint but an equally valid perspective is that New Zealand's history and wealth is based on colonialism and the rape and pillage of natural resources and our environment.

Like gold miners, bioprospectors aim to stake claims over flora and fauna in the hope of hitting a financial jackpot, it's not about the science but about money.

According to the U.N. Development Program, 80 percent of the world's remaining biodiversity is located in indigenous territories.

Indigenous peoples prior knowledge is being exploited for gain in the guise of a greater benefit in medicines, etc. This is also true in New Zealand and as I witnessed when in attendance at one of the hui around bioprospecting held in Nelson; Maori are resentful not only that their knowledge is being utilised in order to assess useful components for medicine but also at the exploitation of the native environment. There is a disjuncture between indigenous belief and Western science which occurs at the most basic level: Many indigenous peoples hold that all life is sacred.

Several North American Indian nations have passed anti-bioprospecting laws.

The Confederated Salish and Kootenai tribes adopted a resolution in 1998 severely restricting genetic research on their Montana reservation. The resolution declared, ³Scientific research and genetic exploitation of indigenous peoples represents the greatest threat to American Indians since the European colonization of the Americas.² Other tribes also followed suit, using a ³model law² developed by the IPCB as a template.

³We see science as a tool a tool to preserve our land, our water, our air, our plants not as a weapon, not as a way to make money. So we have a different view of science than the majority of the Western world.²Judy Gobert, of Blackfeet, Nakota, and Salish descent and chairwoman of the IPCB board, Indigenous Peoples Council on Biocolonialism (IPCB), a nonprofit watchdog organization.

Ref: Bioprospecting - Corporations profit from indigenous genes By Jeff Shaw

| 11.26.03

http://www.inthesetimes.com/comments.php?id=467_0_1_0_C

Piracy through patents

Charters and patents have turned acts of piracy into divine will since 1493 when Pope Alexander VI granted all islands and mainlands 'discovered and to be discovered, 100 leagues to the West and South of the Azores towards India to Catholic monarchs. the principle of 'effective colonisation' by Christian princes, the 'vacancy' of targeted lands, and the 'duty' to incorporate the 'savages' were components of charters and patents. which allowed for the colonisation and extermination of non Europeans.

Transnational companies patents supported by modern day governments have replaced Christian princes. 'The vacancy of targeted lands has been replaced by the vacancy of targeted life forms' The assumption of empty

lands - terra nullius-is being expanded to 'empty life' seeds, and medicinal plants. Corporations are appropriating biodiversity from the original owners and innovators by defining their seeds, medicinal plants and medical knowledge as non science. Ref: Vandana Shiva, Biopiracy Plunder of nature and knowledge.

Private companies are exploitative and they are not subject to strict regulatory and oversight guidelines particularly if they are not funded by public monies. As is stated in your accompanying letter they are likely to seek intellectual property rights and access traditional knowledge from Maori to assist " in their search for useful biological material.

" The TRIPS Treaty " effectively excludes all kinds of knowledge, ideas and innovations (for patenting)- that take place in the 'intellectual common'- in villages among farmers, in forests among tribals. It regards as invention solely those acts carried out within the framework of western science. Science is here working hand in hand with corporate interests to define what is scientific and what is not, and hence what qualifies as a real invention for the purpose of scientific reward.

The TRIPS proposal is generally seen as an attempt to formalise the continuing piracy of Third World genetic resources by Northern biotech companies, effectively sanctioned by the science of genetic engineering." Dr. Mae-Wan Ho- Genetic Engineering Dream or Nightmare.

It is a conflict of interest that the MFAT represents NZ at the CBD. The CBD aims for sustainable use and the conservation of biodiversity, any accelerated bioprospecting will undoubtedly hasten the loss of species which even now is at a critical rate, the loss of species being at a even faster rate than previously and that loss threatens the survival of the planet.

"the globalisation of patent and IPR regimes is an expansion of the economic paradigm that has caused ecological destruction and contributed to the disappearance of species.

Taking knowledge from indigenous communities through bioprospecting is only the first step toward developing an IPR -protected industrial system that must eventually market commodities that use local knowledge as an input, but are not based on the ethical, epistemological, or ecological organisation of that knowledge system. Producers of such commodities use biodiversity fragments as raw materials to produce biological products protected by patents that displace biodiversity and indigenous knowledge, both of which they have exploited. Issues of equity, fairness and compensation need to be addressed. Key questions need to be asked. Is it right to displace sources of alternative production? Can such destruction be fully compensated? Can the planet, and the diverse communities that inhabit it, afford to have biodiversity and alternative lifestyles swallowed up as raw material for a centralised global corporate culture that can only produce cultural and biological uniformity. Bioprospecting does not respect the rights of people and communities who do not want the commons enclosed." Ref: Vandana Shiva, Biopiracy Plunder of nature and knowledge.

Historically in New Zealand you can trace the loss of species back to the exploitation of those natural resources by early settlers, look at the deforestation, introduction of exotic pest species and how that has impacted on biodiversity. Then you have the pursuit of agriculture with the toxic chemical overload caused by companies now involved in genetic manipulation of species again without any liability for their actions. Today we have brought fish stocks to critical levels; caused algal blooms with our wastes and are polluting waterways, land and air. New Zealand's history: the continued mismanagement of water, land, air and sea has not been good for biodiversity and bioprospecting is yet another threat.

In the foreword it also states that our relationship with our unique flora and fauna is 'central to our NZ identity' we would question that this relationship is one of destroy and conquer, at that point the fauna/flora becomes so scarce it is then a tourist attraction. As long as there is a way to continue to make money from the resource by any means whatsoever "its all good".

The financial rewards of successful bioprospecting are often significant. In an effort to ease the growing tension between global companies and Southern countries, a number of international institutions and private companies have proposed plans to share a portion of their commercial gain from new patents on biotech products with the host countries, local peoples and other interested parties. The most controversial initiated by Merck who agreed to pay the National Biodiversity Institute, in Costa Rica 1 million dollars in return for securing potentially valuable plant, insect and microorganism samples. Critics liken the deal to European settlers giving American Indians

trinkets worth a few dollars in return for exclusive ownership of the island of Manhattan. Ref: Jeremy Rifkin - the Biotech Century.

A growing number of NGOs and some countries are arguing the case for the gene pool not to be for sale, at any price- but that it remain an open commons to be used freely by present and future generations. They argue it is impossible to put a true value on traditional knowledge.

We would agree with that viewpoint and feel there is clearly a need to prevent any claims on NZ flora and fauna as well as any rights to use traditional and indigenous knowledge.

It is clear that patent protection does not allow for the sharing of information in science, so important if it is to benefit mankind.

You also state it is not the document's aim to address the ownership issues; this is one of the most important of the issues surrounding bioprospecting and is central to any activity in this area. No proper policy can or should be put in place without full public consultation on this issue.

The term access provider is irrelevant without reference to who that person is likely to be. Is it that the government will assume ownership as it does over private land through various acts eg. Coal Mines, Mining, Geothermal Energy, Petroleum, etc?

The biological commons belongs to us all it is the legacy of thousands of years of evolution and should not be harvested and exploited as so many other 'resources/treasures' which have been squandered for economic gain eg.

oil, gas, gold, fish. It is far too easy for wealthy corporations to gather, patent or buy ownership of something that should not be up for sale.

Thankyou
Susie Lees
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