

1.0 This submission is in response to the recent consultation and discussion document on Bioprospecting and Access and Benefit-Sharing.

1.1 Background

He Oranga Mo Nga Uri Tuku Iho Trust is a charitable trust initially set up to coordinate and administer projects in the Ruatoria area but now encompassing the wider Gisborne and East Coast region. The trust is a collective of Ngati Porou tribal members who are committed to hapu (sub-tribe) development for Maori on the East Coast, the preservation and use of matauranga Maori (traditional and contemporary Maori knowledge), and advancing rangatahi (youth) education and participation.

He Oranga Mo Nga Uri Tuku Iho Trust has provided valuable input into the design and development of a five-year research project, Taonga Tuku Iho – Matauranga Maori for Sustainable Hapu Development. Principal researchers are Tui Warmenhoven and Pia Pohatu and a number of kaumatua (elders) and Maori researchers sub-contracted (short term and long term) for specialist areas of work. Capacity building of hapu members is central to the programme through wananga, hui, workshops and training. Researchers use whakakotahitanga – participatory processes – from programme concept to completion as well as inclusive management structures to ensure effective delivery to hapu and other end-users. As part of the research, the trust is building and enhancing links between whanau, marae, hapu and iwi as well as Maori, university and Crown Research Institute researchers throughout the country.

The trust has key relationships with Ngati Porou marae, Manaaki Whenua Landcare Research and Te Puni Kokiri as well as links to Te Whare Wananga o Ngati Porou and Ngati Porou Hauora. It is also working with local, regional and central government agencies such as Department of Conservation, Department of Corrections, the Ministry of Economic Development, and the Ministry for the Environment

2.0 Whanau, hapu and iwi as Kaitiaki of their natural resource environment and tangata whenua are primary stakeholders to this kaupapa because of:

- a) Treaty of Waitangi
- b) Kaitiaki relationship with their natural resources/ environment and the biodiversity contained therein

Whanau, hapu and iwi should be central to the accessing of and decision-making relating to the use of all “biological material” including the right to decide **not** to collect, analyse or otherwise this material.

We have concerns with the definition used in the discussion document as the inherent focus is on the ‘parts’ of biological material. The natural and holistic role and function of the resource (flora, fauna or otherwise) that that biological material is sourced from should always be considered if not outweigh the value or significance of its parts. Our concern is for the resource and its ability to sustain itself in its natural environment and work interdependently with other resources in its natural environment. Likewise natural checks and balances should better inform us of indicators and key factors to its sustainability.

- 3.0 The Treaty of Waitangi and Declaration of Indigenous Peoples Rights should provide the key frameworks for appropriate Government support to the use, management and protection of matauranga by whanau, hapu and iwi.

Giving proper recognition and effect to the Treaty of Waitangi as stated and discussed in the national round of consultation hui with Maori is supported by this submission. The Government has not been any good at this to date.

The Governments opposition to and rejection of the Draft Declaration of Indigenous Peoples Rights is not a favourable indication to us as whanau, hapu, iwi members and as a Maori organisation that the Government can manage and protect our country's biodiversity and/ or matauranga Maori in a manner appropriate to us (Maori) as tangata whenua – indigenous people - of this country.

- 4.0 The way the Government have consulted on this matter is very dangerous for Maori, whanau, hapu and iwi groups who have not had the proper background information. Understanding the array of mechanisms created in this 'area' like intellectual property rights, copyright etc is a separate hui in itself and these hui need to be facilitated by experts like Aroha Mead in 'safe' forums. The consultation hui is not considered a 'safe' forum. The consultation hui is a forum asking Maori how should the Government help to protect matauranga as part of its work in developing and establishing a Bioprospecting framework. Whanau, hapu and iwi can't confidently engage at this level until the discussions with experts have taken place. And then time and work is required to be put in to develop their thinking, understanding about the most appropriate options available to them.

Whanau, hapu and iwi (Maori) want to protect their matauranga but the inherent collective nature of it can never be fully protected by legal and state mechanisms.

The state has been the worst villain in the misuse and abuse of matauranga (and the cultural systems we had/ have in place to ensure its survival and sustainability through generations) against whanau, hapu and iwi and yet this very process requires Maori to rely on you to now 'help us protect it'!?

Any options you identify will require a bureaucracy to administer – would you consider placing the equal value of the resources it would take to run this added administration year in and year out into whanau, hapu and iwi so that they can be better equipped to look after the biodiversity they have a kaitieki relationship with and their matauranga themselves? This would be a step in the right direction with regards to establishing an appropriate Treaty relationship with us.

- 5.0 Maori are a diverse group with diverse realities. You will find that those with their own economic or resource base are able to participate in such political processes with more effectiveness, although some iwi/ Maori organisations may allow commercial interests and agendas to dictate the nature of this 'effectiveness'. Do not assume that what is right for one whanau, hapu or iwi is right for all of Maoridom. Commercial gain is not within everyone's mind as a measure of being successful or effective.

- 6.0 He Oranga Trust supports and is committed to sustainable hapu development. We also respect the WAI 262 process still underway and support the nature of claims and evidence provided by experts from our whanau, hapu and iwi of Te Tairāwhiti.

He Oranga Trust supports (and is keen to be involved with) any mechanism that:

1. protects the resource and its ability to reproduce itself in its natural environment/habitat;
2. recognises and actively protects kaitiaki¹ and their relationship with that/ those resource/s;
3. is developed with and by those Kaitiaki or an other party agreed to, at timeframes and forums acceptable to those Kaitiaki;
4. promotes, undertaken and/ or has utilised kaupapa-Maori based principles of engagement, research, work and decision-making;
5. compliments and/ or improves the current range of protection mechanisms available
6. Any limitation/s of the mechanism are readily identifiable

In addition, this process:

7. is appropriately resourced
8. allows for a future right to further refine and/ or improve use, management and protection measures developed and/ or adhered to
9. accords weighting to advice of experts² in this field

- 7.0 This submission is not a complete or exhaustive record of issues we are concerned with respect to this Bioprospecting issue, however it outlines some key concerns we have and is what we have been able to prepare for this submission.

Please keep us informed of all future work and matters relating to this and related issues.

¹ Kaitiaki: may be an individual, whanau, hapu and/ or iwi

² Experts: may be tohunga and those with considerable knowledge and experience in working with this area or of a particular resource