

SUBMISSION

①

To: Bioprospecting Review, by Ministry of Economic Development.

Postmarked 03.10.07

1) On New Zealand's biological resources:

FILE COPY

86

We need to have good detailed information about bio-prospecting activities in N.Z., in the form of a well-maintained, up-to-date data base accessible to all researchers & would-be prospectors.

This data base should not include any matauranga Maori on which bio-prospecting has been based, as this would diminish the value of such traditional knowledge to Maori. It should, however provide essential guidance for researchers, detailing procedures for obtaining samples legally, displaying standard forms of contract for binding agreements with resource holders, & encouraging cooperation with existing N.Z. technical facilities to speed up processing of applications. This should facilitate responsible access to resources.

I am not a traditional knowledge holder, prospector or access provider, & have no direct experience of bio-prospecting. However, my background is in the biological sciences, & as the widow of a member of Ngai Tahu, I would like to contribute to present deliberations.

2) On New Zealand's current frameworks to access biological resources:

What framework?! A more comprehensive and coordinated framework would be preferable to the present diverse arrangements in which several governing bodies are involved (E.g. Ministry of Fisheries, Dept of Conservation, & local authorities). It would avoid confusion & conflicts of interest, & ensure protection of the environment from asset-stripping, & Maori indigenous knowledge from over-exploitation, if the entire process could be managed by one agency of central government as Competent National Authority. This would speed up communication, avoid misunderstandings & hopefully waste less time & money on bureaucratic processes.

3) On a comprehensive bioprospecting framework for N.Z.:
See above. A comprehensive framework should be established without delay, as we are losing opportunities to coordinate information & develop the benefits derived from new industries.

Increased sharing of knowledge such as research & development results, taxonomic information, & awareness of intellectual property rights would be valuable. Enhancing public interest in indigenous flora & fauna, could lead to young people considering careers in biotechnology.

3i) Potential policy benefits & costs:

Creating the framework should be viewed as a long-term policy, very costly to implement in the short term, but providing the basis for a worthwhile extension of biotechnology in NZ, aside from the genetics stream, to develop later employment in a productive industry. Costs will only be defrayed significantly when N.Z. can develop products to the marketing stage with possible export possibilities, & financial returns can be gathered from eventual consumers.

3ii) The definition of bio prospecting should be extended to include screening & selection after analysis of biological material, & any subsequent storage of selected material by freezing or chemical treatment to preserve it for later processing. It is possible that written reports of findings should also be included, as they may trigger subsequent development of products.

Non-commercial research activities should be "in scope" as results may lead to later applications. I would exclude specimen collecting for under-grad. study & school education. The level of compliance could be a regularly renewed permit by The educational institution or research facility involved.

3ii) continued.

All kinds of biological resources should be considered, unless they are endangered species, or rare in any single locality.

The bioprospecting framework should be the responsibility of central government only. Local government authorities usually lack expertise to make reliable judgments on biological topics, & their relationships with local Maori sometimes lack a degree of mutual respect. Local government personnel & private individuals can make comments via a submission process if access is contested.

Ex situ collections should be included, especially those of Crown Research Institutes, as they are often important in information gathering about resources.

Non-indigenous biological material should only be included in the unlikely instance that it can now be sourced only in NZ.

3iii) Administrative frameworks:

Yes. A National Focal Point should be a free phone access number for the Competent National Authority, backed up by an advisory web-site.

Yes. The Competent National Authority should be based on a suitably enlarged & adequately funded Department of Conservation in full partnership with a Council of Maori Elders.

3iii) continued.

Whatever decisions derive from WAI 262, Maori will still see themselves as guardians of indigenous flora & fauna, & they have the traditional knowledge to make & support decisions. Since there is no national body representing Maori as a whole, a Council of Maori Elders may need to be organised on a local basis, & be constituted as a federation.

Governance of bio prospecting presents an ideal opportunity to establish a true partnership between Maori & The Crown, which is well worth working towards.

Roles & responsibilities of a Competent National Authority.

These should be built on the existing functions of the Dept. of Conservation, which already administers fresh water habitats & fauna, the Foreshore & Seabed Act which has bio prospecting implications for marine algae & invertebrates, & already has some systems to allow sampling. Present arrangements via the Ministry of Fisheries (via Special permits, rights bought or leased via QMS, & sampling allowed by fishing permits) should be modified to bring them under the single authority, & Land Information N.Z. should not be involved.

The primary role should be the construction & maintenance of a reliable data base of all bio-prospecting activities, accessible to all researchers & possible prospectors.

5. International bioprospecting frameworks.

All of the aspects quoted of The Bonn Guidelines need to be considered & included & not as a voluntary code of conduct as suggested by the Biotechnology Industry Organisation's version, as this would leave loopholes for access by multinationals & other unscrupulous participants to exploit New Zealand providers.

The declaration of The Convention on Biological Diversity would be better modified to say: —
 "the consent of a sovereign state & its indigenous population" as represented by The Competent National Authority.

6. The high costs, not only in money, but in discussion time, tolerance, patience, & search for consensus, of administering a bio prospecting framework, need to be accepted & regarded as a long term investment in an extended biotechnology industry, leading to future opportunities. This requires strong leadership with real integrity, to do the job properly.

It is essential to keep track in detail of all material transfer agreements & benefit transactions, to define Common Law property rights carefully (if they can be modified for mining purposes, they could be regarding flora & fauna), & to avoid taking "short cuts" which could lead later to Treaty grievances.

H. Roberts 9th October, 2007