



Ngati Whatua Nga Rima o Kaipara Trust

With regard to the Government published discussion documents entitled “Bioprospecting Harnessing Benefits for New Zealand” and ‘Te Mana Taumarua Matauranga: Intellectual Property Guide for Maori Organisations and Communities’, Ngati Whatua Nga Rima o Kaipara Trust through its Environmental Protection Unit, Te Wahanga Manaakitanga o Te Tai Ao, submits the following positional comments.

NGATI WHATUA NGA RIMA O KAIPARA TRUST (“NWNRoK”)

As Kaiarataki (Pathfinder) Chief Executive Officer for Ngati Whatua Nga Rima o Kaipara Trust, I am authorised to give the following submission. I have over ten years in the research, political and environmental resource management sectors having represented Ngati Whatua on three former Maori reference working groups that linked into discussions on bioprospecting (sea and whenua) and intellectual property rights (matauranga Maori and property rights).

Ngati Whatua Nga Rima o Kaipara is the mandated collective and participatory voice for the people of nga marae o South Kaipara takiwa¹. Membership trustees are nga marae mandated Kaumatua and whanau who have strong whakapapa kinship ties to hapu tribes, Te Taou, Te Uri o Hau, Ngati Rango and Ngati Whatua Tuturu among others. Each marae retains the rangatiratanga autonomy right to speak on issues it considers most likely to

¹ Ngati Whatua tribal five takiwa – Whangarei, Northern Wairoa, Otamatea, South Kaipara & Orakei

affect its marae whanau. The same marae have a direct association with the Kaipara ki te Tonga Tribunal Claim WAI312.

We acknowledge and exercise our whanaungatanga relationships with Ngati Whatua o Orakei to deal with issues of Ngati Whatua manawhenua status for kaitiaki of environmental and cultural heritage issues and concerns. This relationship covers the wider areas of Tamaki Makaurau inclusive of both our takiwa of South Kaipara and Orakei respectively which are two of the five takiwa within the Ngati Whatua tribal area. There is a wealth of documentation on the Ngati Whatua² tribal ancestral connections to papatuanuku and the taonga that lie within.

NATURE AND EXTENT OF POSITIONAL COMMENTS

As clearly stated at the Orakei hui by our whanaunga Ngarimu Blair in his position with Ngati Whatua o Orakei, tangata whenua Maori are the original bioprospectors. In acknowledging our strong whakapapa kinship links, his korero is fully supported by our Kaumatua trustees and Ngati Whatua ki Kaipara whanau. This furthers the somewhat disheartening fact that in the current day, our ability to customarily monitor and regulate our 'bioprospecting gathering activities' have been impacted upon so much that we now must enter into these types of forum on our own marae to discuss how to protect our taonga from others³.

To that effect, the korero that I also gave at Orakei Marae is reiterated. Therefore, I confirm the inter-tribal takiwa marae, Kaumatua, tribal trustees and whanau involved in nga rakau rongooa, environmental resources protections and matauranga Maori, have agreed upon the following statements⁴:

1. Ngati Whatua Nga Rima o Kaipara objects to the Ministerial 'assumed right to enter into a course of work programme to determine and develop (research, consult, compile) the legislative framework in isolation to tangata whenua Maori.

² In the case of North Shore City Council, this is well documented in their archives

³ Successive governmental agents of the Crown, international interests operating within New Zealand

⁴ Orakei hui 23 July 2007 background; 24 September and 15 October 2007, Te Awaroa

2. Relevant to the Crown-Maori Te Tiriti o Waitangi relations in terms of robust and effective partnership, Ngati Whatua Nga Rima o Kaipara considers the Crown through the recent actions of its governmental agent of the term, Labour Government, need to show improved international and national integrity, good faith or capacity foresight to protect tangata whenua Maori interests in Te Wao Nui a Tane and that of Tangaroa.
3. Relevant to the delayed reporting process of the Wai 262 report, Ngati Whatua Nga Rima o Kaipara continues to have concern as to the governmental ministerial agencies looking to determine and develop a framework in isolation to the conclusions of the Wai 262 process and that of tangata whenua Maori resourced engagement to co-determine and co-develop such a framework.
4. In terms of the abovementioned, we agree with the set of declarations issued from the Tangata Whenua Reference Group, 13 September 2007, Wellington hui.
5. Relevant to the methodology of our kaitiakitanga and exercising our activities as kaihautu, Ngati Whatua Nga Rima o Kaipara fully support that tangata whenua Maori determine and robustly develop a framework for biocultural heritage and request that the Crown through its governmental agent, the Government, establish the following:
 - An annually budgeted fund established through central government via the GUEDO ministry agencies and the relevant Crown Research Institutes to give due effect for tangata whenua Maori to enter the long-term and overarching robust planning work toward determining and developing a Crown-Maori legislative framework.
 - The agreement to reconstitute the Bioprospecting Work Programme to include resourced capacity for the Tangata Whenua Reference Group to undertake an immediate research methodology in terms of completing a Situation scan that has capacity to also clearly articulate the adverse influences and recommended resolutions as integrated with the Wai 262 Tribunal Report.

- That the Tangata Whenua Reference Group be formally engaged to provide input into the Government officials report to Cabinet as part of a work stream to establish a national Crown-Maori international engagement and reporting mechanism.
- Establish a fund (derived from or with capacity from Crown Research Institutes) has capacity to build tangata whenua Maori capabilities, partnership, engagement and science research in the areas of bioprospecting and biological diversity.

RECOMMENDATIONS

Ngati Whatua Nga Rima o Kaipara, in consideration to the before-mentioned with regard to context and intent consider that the Government should enact all requests in order to give real, meaningful effect to the Crown-Maori relations as was stated in the premise of the discussion documents.

Any queries as to the context of this submission, feel free to contact me in the first instance, PO Box 226 Te Awaroa, Helensville. Phone EPU Admin (09) 420 9851; Main Office (09) 420 6357; Cell (021) 574 045

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Kaiarataki CEO

Ngati Whatua Nga Rima o Kaipara