



**SEAFOODINDUSTRY
COUNCIL**

The New Zealand Seafood Industry Council Ltd

Submission

Bioprospecting: Harnessing benefits for New Zealand

A policy framework discussion

October 2007

Introduction

The New Zealand Seafood Industry Council Ltd (SeaFIC) is the primary umbrella organization representing the generic interests of all sectors of the New Zealand seafood industry, a sector that includes quota owners, fishers, marine farmers, seafood processors, wholesalers, retailers, and exporters. Our shareholders collectively represent around 95% of the seafood industry by value.

The seafood industry has a significant interest in bioprospecting of marine resources. The industry is a major rights holder and user of biological resources in the marine environment all of which are of potential interest for bioprospecting. It is important to the seafood industry that any bioprospecting policy or framework developed does not impinge on or detract from normal fishing or farming activities.

We understand that the policy framework discussion sets out the background to the development of bioprospecting policy, international frameworks, linkages to the Waitangi Tribunal claim WAI 262 and the current management regimes in place for providing access for bioprospecting activities rather than the presentation of framework options. At this stage it is unclear how any proposed bioprospecting framework will affect the seafood industry. As such our comments are general rather than specific.

SeaFIC believes that the definition of bioprospecting is fundamental to the development of any future policy. We support the view that product development be excluded from any such definition. The definition in the discussion document is given as:

"the collection of biological material and the analysis of its material properties, or its molecular biochemical or genetic content for the purpose of developing a commercial product"

As commercial fishing activities, including aquaculture, also involves the collection of biological resources for the purposes of developing commercial products it is important to the seafood industry that normal fishing and farming activities be clearly excluded from any definition used. In our opinion it would be helpful if the definition reflected more the research activities into and the search for unique compounds and the development of commercial products based on those unique compounds.

Responses to the questions

Question 1) On New Zealand's biological resources:

SeaFIC recognizes the advantages of good centralized and available information on; bioprospecting activities, the parties identified for benefit sharing, and target species.

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

With regard to access to marine resources (other than those species identified in the Wildlife and Marine Mammals Protection Acts) the Fisheries Act provides access controls and property rights for the taking of fish or aquatic life for commercial purposes through fishing permits. Given that fish

or aquatic life caught under permit can then be sold, traded, gifted and exported it creates multiple access channels for bioprospecting which have perhaps not been considered in this document. In the case of samples for non-commercial purposes there is no reason why marine resources cannot be taken as recreational catch, subject to any relevant regulations, and which requires no permit process and for most species of aquatic life, no catch limits. For marine resources SeaFIC would support the requirement for all persons taking marine resources (other than those fishing under a commercial or customary permit) for the purpose of bioprospecting to require a permit for bioprospecting purposes. This requirement would assist potential bioprospectors to understand the requirements of existing fisheries legislation and ensure that their activities had no adverse effects on the aquatic environment.

With reference access for bioprospecting of marine resources SeaFIC recommends that MED consider the use of the special permit regime under the Fisheries Act. Special permits can be adapted for bioprospecting purposes. This should clearly distinguish between normal fishing activities and deliberate activities targeted towards commercial and non-commercial bioprospecting interests and activities.

If the ultimate purpose of the policy framework is to:

- Identify the removal of biological material from New Zealand
- Generate and optimize the capture of benefits for New Zealand; and
- Create certainty over the use of traditional knowledge, traditional knowledge ownership and traditional knowledge use rights;

then it would appear sensible that existing access frameworks need to operate within a more coordinated and comprehensive bioprospecting framework and that further consideration needs to be given to private land access and direct purchase of biota. Existing government access frameworks could be modified and required to be reported to a centralized National focal point rather than create new and additional frameworks. SeaFIC would not support overlapping frameworks which may increase business and compliance costs for commercial seafood activities. Any centralized National administration function could be used to direct and inform bioprospecting interests.

Question 3) On a comprehensive bioprospecting framework for New Zealand

SeaFIC believes that both commercial and non-commercial activities should be within the scope of a bioprospecting policy. It is not possible to determine in advance whether non-commercial activities will lead to new discoveries or whether programmes led by commercial interests will prove successful.

SeaFIC supports policy development which includes non-indigenous biological material. With regard to marine resources the absence of detailed knowledge of the biota of the oceans means that it is not necessarily possible to identify indigenous from introduced species. Introduced species are also well established in New Zealand (such as salmon for aquaculture) for which bioprospecting studies have been established. If New Zealand wishes to have a comprehensive framework then it appears to be more pragmatic to include all species.

All tiers of access should be included in a bioprospecting framework if the aim is to capture national benefit.

Ex-situ collections should be included in a bioprospecting framework. We support comments from others that any such policy should not impinge on the custodianship of such collections, or place responsibilities on custodians to monitor and enforce any policy developed.

The nature and form of a National Authority would be dependent on the position of the government with regard to who should benefit from bioprospecting of fauna and flora in New Zealand and how those benefits should be shared. The discussion document implies that benefits should flow to those providing access to resources, whether public or private, and to those who share knowledge. This seems contradictory where the aim of the policy seems to be to capture of information on activities and sharing of benefits to serve national interests and a national role in the allocation and sharing of benefits. In order to capture national benefits then there is a need to be able to identify, direct and monitor all bioprospecting activity.

Question 4) On Mataranga Maori

SeaFIC has no specific comment to make on the appropriate management and protection framework for the use of matauranga Maori for bioprospecting. This is a matter for tangata whenua to decide.

Question 5a) What aspects of the Bonn Guidelines of the Convention on Biological Diversity do you believe should be considered in developing a domestic bioprospecting framework?

All the aspects presented in the document seem relevant considerations including:

- Protection of traditional knowledge ownership rights
- Access frameworks
- Prior consent from the State and form of agreement
- Clarity of roles and responsibilities of users and providers
- Means of verification (such as certificates of origin) and dispute settlement

Question 5b) Aspects of other international bioprospecting frameworks that could be useful to consider.

The requirement to obtain a permit prior to taking specimens for prospecting seems logical to identify the removal of biological material from New Zealand and to help optimize the sharing of benefits for national interests and where relevant with traditional knowledge owners.

Question 6) Other issues.

SeaFIC has no further comments at this time. We welcome the opportunity to have input as the policy develops.