

10 October 2007

Tiakina te Taiao Ltd

Submission on Ministry of Economic Development Bioprospecting Discussion Document

This submission answers the set questions from Tiakina te Taiao (“Tiakina”) in the response form included within the discussion document.

1. Information / Experiences of Bioprospecting

As set out in the discussion document, there is a serious lack of information about current bioprospecting activity in NZ. My personal experiences with bioprospecting are limited to just hearing the occasional comment about scientists and others investigating the potential medicinal uses of plants traditionally used for rongoa (medicine). The one example I can recall relates to the native shrub poroporo, a solanum species, and scientists looking at plant as it may naturally contain a chemical similar to steroids and therefore be useful for the pharmaceutical industry.

2. Current Frameworks

Yes, a more coordinated and comprehensive framework is definitely needed. This is because the issue is obviously complex, NZ is lagging behind internationally because of its lack of coordinated policy and this situation has some serious risks.

3. Comprehensive Bioprospecting Framework

(i) Benefits / Costs – the document’s analysis of benefits is thorough. There is a major cost which hasn’t been been adequately taken into consideration and that is the time it takes for iwi and the community to potentially respond to these issues, eg the development of this submission, the response to future bioprospecting applications, potential time lobbying for a different decision etc. For example, in a process which may be similar to a potential bioprospecting application, Tiakina and other iwi have spent an extraordinary amount of time trying to get Crown Minerals to exclude wahi tapu sites from mineral exploration permits, mostly to no avail. That time and effort is a large cost that has borne by iwi alone.

(ii) The definition of bioprospecting appears limited because it focuses on “the collection” and “analysis” of something and doesn’t acknowledge the knowledge (e.g. finding about that resource, what’s known, what it’s been previously used for etc.) aspect. Policy scope: the ownership of materials, as in WAI 262, need to be clarified. Non commercial research: within NZ, traditional customary take and use should be excluded, non Maori, non commercial activities could be excluded only if they are very small scale.

Biological resources: traditional Maori resources should be (at least) prioritised for Maori use first (– Article II of the Treaty needs to be heeded here), government rather than private should be involved to (hopefully) improve accountability, ex-situ and non-indigenous could be included.

(iii) No specific comment.

4. Matauranga Maori

This needs to be thought through very carefully and undergo thorough consultation process with iwi. As mentioned above, Tiakina's experience trying to protect wahi tapu sites from (overseas) mineral prospectors has not been taken up, which has been distressing and disappointing, and, in Tiakina's opinion, a breach of Treaty principles. The last thing Tiakina would want is with regard to bioprospecting is a repeat of this type of situation where tangata whenua iwi values and concerns are not taken account or accommodated. Matauranga Maori values are also best looked after by Maori, who properly understand their significance. Therefore a Maori subcommittee, or unit, or similar should consider this aspect of bioprospecting. Whatever system is adopted needs to be clear, policed & reviewed and permits (or similar) be withdrawn if not properly complied with. Maori also need to be reimbursed or compensated for their involvement. If and when it occurs, the bioprospecting benefits of using Matauranga need to flow back to Maori, not others.

5. No specific comment.

6. No specific comment.

Thank you for the opportunity to comment.

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