



**SUBMISSION on the Development of a
Bioprospecting policy.**

To Ministry of Economic Development

This Submission is from:

Waikato Raupatu Trustee Company Ltd

Private Bag 542

Ngaruawahia

INTRODUCTION

1. This submission has been written to outline the position of Waikato Raupatu Trustee Company Ltd (WRTCL) and identify potential areas and issues of significance to the tribe, so that all interests of Waikato-Tainui are protected. Waikato-Tainui recognises the need for a Bioprospecting policy in line with the findings of the Waitangi Tribunal Claim WAI 262, relating, but not limited to, intellectual property, traditional knowledge and Biodiversity that will protect Waikato-Tainui interests.

Waikato Raupatu Trustee Company Limited

2. The Waikato Raupatu Trustee Company Limited (WRTCL) succeeded the Tainui Maori Trust Board in 1999 and is the trustee of the Waikato Raupatu Lands Trust (WRLT). The WRTCL is the legal and constitutional Iwi Authority for Waikato-Tainui. The sole shareholder of the WRTCL is Te Kauhanganui o Waikato Incorporated (Te Kauhanganui), the representative governing body of Waikato-Tainui.

Te Kauhanganui o Waikato

3. Te Kauhanganui has 195 members with three elected from each of the 65 Raupatu Marae of Waikato-Tainui. Ten representatives from Te Kauhanganui are elected to the Tainui executive "Te Arataura", the eleventh member of this executive is appointed by the head of Te Whare Kaahui Ariki. Currently, our tribal register total for the 65 marae is almost 52,000 registered tribal members.
4. Waikato-Tainui would like the following to be given effect and implemented for its traditional tribal area.

The Waikato River Claim

5. On 20 December 2005 the Minister in Charge of Treaty of Waitangi Negotiations and the Waikato-Tainui Co-Negotiators signed Terms of Negotiation setting out the basis for the negotiation of the remaining historical claims of Waikato-Tainui. The Crown has agreed to give priority to the negotiation of the Waikato-Tainui claim to the Waikato River.
6. The River claim applies to the Waikato River from the Huka Falls to the mouth and includes its waters, banks, beds (and all minerals under them) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation and floodplains as well as its metaphysical being.

7. The Waikato River is of significant cultural and historical importance to Waikato-Tainui. The Waikato River is the Tupuna Awa (Ancestral River) of Waikato-Tainui and we are one and the same, as the name "Waikato" was derived from our tupuna awa. Waikato-Tainui exercised mana whakahaere, so were the decision makers of all issues pertaining to the Waikato River. This status was recognised by all those who travelled on its waters and that status was never questioned.
8. Waikato has never relinquished our mana whakahaere over the Waikato River.
9. One of the key matters to be addressed during the negotiations will be how Waikato-Tainui could be more involved in the management of the River. This includes the development of policies and plans that directly affect the Waikato River including flora and fauna.
10. There are two key principles in the Draft Agreement in Principle for the Waikato River claim;
 - Mana o te Awa
 - Mana Whakahaere

Mana o te Awa

- This principle promotes unity of all tribes along the river and the Crown together with its agencies to restore the Waikato River to a healthy state in its entirety.

Mana Whakahaere

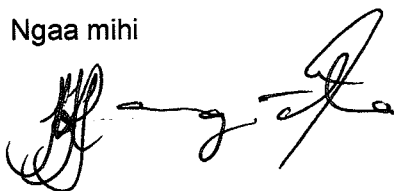
- To achieve this principle Waikato-Tainui proposes co-management of the Waikato River with the Crown at the highest level providing for the integrated management of the Waikato River. For Waikato-Tainui the area of responsibility and management includes the Waikato River Catchments from Lake Karapiro to Port Waikato.
11. The timeframes around the current development and setting of a Bioprospecting policy are unreasonable. Appropriate timeframes need to be realised to incorporate the interests of Waikato-Tainui through direct engagement.
 12. Waikato-Tainui are of the view that any setting and implementation of a Bioprospecting policy, act or regulation should not proceed until the;
 - recommendations from the Waitangi Tribunal on the indigenous flora and fauna and cultural intellectual property inquiry Wai 262 have been released and taken into consideration, and;
 - Until the claim to the Waikato River has been resolved.

13. Waikato-Tainui seeks to achieve the highest level of co-management with the Crown concerning Bioprospecting within the rohe of Waikato-Tainui. Waikato-Tainui seeks an active decision making role on all Bioprospecting activity and permitting within our rohe.
14. The Ministry for Economic Development and Waikato-Tainui should jointly develop such policy through direct engagement, specifically for the Waikato-Tainui rohe, which includes but is not limited to:
- Protection of Waikato-Tainui traditional knowledge and Maturanga;
 - Bioprospecting activity adhere with Waikato-Tainui tikanga and kawa within the Waikato-Tainui rohe;
 - Bioprospecting be prohibited on waahi tapu and urupa;
 - A code of conduct that prohibits human biology to be mixed with food biology;
 - Waikato-Tainui agrees there needs to be protection from the international arena on Bioprospecting. A watchdog authority needs to be created to monitor Bioprospecting issues that may affect Waikato-Tainui.

Conclusion

15. Waikato-Tainui does not support the development of policy that has a negative impact on our interests in biological resources and in particular where those interests pertain to the Waikato River.
16. Waikato-Tainui support other Iwi, Hapu and Marae submissions where they are consistent with Waikato-Tainui's submission
17. We wish to be heard on this matter.
18. Please do not hesitate to contact the submitter of this submission should you have any queries or concerns.

Ngaa mihi



Tahi-o-hurua Rangiawha
Environment officer
12 October 2007

Private Bag 542
Hopuhopu
0800 (TAINUI)
tahir@tainui.co.nz