

12 October 2007

Bioprospecting Submission

Submission from Nelson/ Marlborough Conservation Board.

1. On New Zealand's biological resources:

a) Do you think we need to have good information about bioprospecting activities in New Zealand, including the type and nature of such activities? Please give reasons for your answer.

Yes. New Zealand's biodiversity is extremely important on a world scale owing to the ancient nature of the landmass, the high level of endemism and the unique relationship between its ecology and its people. These values need to be controlled by New Zealanders. The added values resulting from bioprospecting will help to encourage appropriate conservation policy in Central and local Government levels, adequate funding and, in the public realm, education and conservation commitment.

b) As a traditional knowledge holder, bioprospector and/or access provider, what are your experiences of bioprospecting in New Zealand? Can you provide any information that would be useful to develop a bioprospecting framework in New Zealand, for example, provide information about bioprospecting costs, benefits, outcomes and current benefit sharing agreements? Please describe, if so.

Probably the biggest gap has been the lack of recognition of matauranga maori and appropriate sharing of benefits

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

Do you think the existing access frameworks would benefit from operating within a more co-ordinated and comprehensive bioprospecting framework?
If so, why? If not, why not?

Yes. While there is value in maintaining a diversity of access providers with different legislative backgrounds, there should be consistent recognition of bioprospecting policy and process.

3. On a comprehensive bioprospecting framework for New Zealand:

a) Do you think that New Zealand should have a comprehensive policy framework to manage bioprospecting activity in this country? Please give reasons for your answer.

Yes, all the interested parties should be coordinated with regard to bioprospecting policies and processes so that responses to applications are coordinated and comprehensive. However, this does not mean that all aspects of administering bioprospecting applications should be removed from existing agents to a single central authority.

b) What are your views on the proposed vision and policy principles to guide New Zealand's bioprospecting policy?

The proposed vision and policy principles appear sound. The only aspect that might cause concern to some members of the community is the desire to ‘encourage international investment in biotechnology....’ While this is not necessarily bad, the focus should be to encourage New Zealand investment so that the added value from bioprospecting remains with our culture.

i) Potential policy benefits and costs:

Do you see any other potential benefits or costs arising from a bioprospecting framework apart from those discussed in this document?

No

Which benefits do you think would be the most beneficial for New Zealand to capture?

Bioprospecting sits within a broader context of the values of New Zealand biodiversity to the well being of natural ecosystems and of our activities. Historically our uses have been exploitative and the sustainable values have been obscured. The significance of our unique species to offer real ecological and cultural values has been minimised, despite an obvious marketing ploy to benefit from a ‘clean green image’. It is high time that these values were recognised and developed (for instance using indigenous ground cover for vineyards) and a bioprospecting framework would help all aspects of society to achieve this.

Do you think that there are potential benefits that are not worth capturing because of the costs involved in doing so?

No

ii) Policy scope:

What are your thoughts on the current definition of bioprospecting?

There may be interests other than developing a “commercial product”.

What are your views on how the “in scope” and “out of scope” boundaries of bioprospecting have been defined?

This is difficult. Gene technology is developing at such a pace that the potential is impossible to determine, but the development of plant ‘varieties’ with specific characteristics of commercial value is well within our grasp, and should be in-scope.

Non-commercial activities

Do you think that non-commercial research activities should be within the scope of a bioprospecting policy? If so, why? If not, why not?

Yes, it is impossible to define commercial/ non-commercial research activity. There may be ethical reasons to include non-commercial research, and there may be areas like conservation restoration (species, ecosystems, habitats) that require a bioprospecting-type procedure for approval. However, it might also be important not to confound some aspects of non-commercial research by involving additional realms of approval. Again, it is important to see bioprospecting in a broad context.

If yes, can you think of any specific activities that should nonetheless be excluded from the scope of a bioprospecting policy?

No

If yes, what levels of compliance should be expected from non-commercial researchers?

Obviously depends on the nature of the research, but in general the procedure to determine whether it is in or out should be simple.

Which kinds of biological resources should be accessed for bioprospecting?

Cant think of any that should not

In your view, which of the three tiers of access (central, local government and private) should be included in a bioprospecting framework?

All

Do you think that ex-situ collections should be included in a bioprospecting policy?

Yes

Do you think that non-indigenous biological material should be included in a bioprospecting policy?

Yes, New Zealand harbours many non-indigenous species of potential interest to bioprospectors, including some that would be unavailable in their own country for reasons of rarity, ethics or 'ownership'. New Zealand should not become an escape from other national/international standards.

iii) Administrative frameworks:

Do you think that New Zealand should have a National Focal Point. If yes, what form could it take?

Yes, a Competent National Authority

Do you think that New Zealand should have a Competent National Authority. If yes, what roles and responsibilities could it have?

Yes, with the functions suggested except that there should be limited provision for negotiation on behalf of applicants, and it should only be advisory, and not involved in issuing permits. These should remain with the statutory bodies. It is better to have the inherent checks and balances of administrative diversity than to place decision-making about bioprospecting in the domain of a single authority.

4. On mātauranga Māori:

How do you think use of mātauranga Māori for bioprospecting can be most appropriately managed and protected?

The 'flora and fauna claim' WAI 262 enshrines the management and protection of matauranga maori in terms of bioprospecting and any policy framework will have to await the decisions of that Hearing.

What do you think of the suggestions made in this document as options to protect mātauranga Māori (a voluntary register, ensuring legally and fully mandated governance entities, a code of best practice for bioprospectors, or an advisory council to a National Competent Authority)?

It is reasonable to suppose that some form of advisory council will emerge from WAI 262

5. On international bioprospecting frameworks:

a) What aspects of the Bonn Guidelines from the Convention of Biological Diversity (CBD) do you believe should be considered in developing a domestic bioprospecting framework?

b) Are there aspects of the international bioprospecting frameworks as outlined in section 5 (or any others you know about) that could be useful to consider during the development of a bioprospecting framework in New Zealand?

6. On any other issues:

Do you have any further suggestions or comments on the issues raised in this document?