

## TE TŪHURA IRA BIOPROSPECTING

### He aha te tūhura ira?

#### What is bioprospecting in the context of Wai 262?

Bioprospecting is the process of exploring and discovering compounds, processes and relationships found in and between biological resources (primarily plants, animals and micro-organisms) for the purpose of academic research, community and ecological wellbeing and/or commercial utilisation.

### He aha te hāngai ki Wai 262?

#### What does it have to do with Wai 262?

The Wai 262 claim asserts our right as *tangata whenua* to exercise *tino rangatiratanga* over our taonga and mātauranga. The current use of native species in bioprospecting and commercial activities (such as pharmaceutical products) often excludes us from decision-making or compensation despite our deep traditional knowledge and connection with these species.

Within bioprospecting, we see the act of biopiracy, which is unethical and/or illegal bioprospecting — usually involving the appropriation of biological materials and/or associated traditional knowledge for private commercial

(or academic) benefit with no Free Prior and Informed Consent or Mutually Agreed Terms with legitimate rights holders.

The use and misappropriation of mātauranga, including the knowledge of plant and animal species, genetics, and medicinal uses, continues to occur, through the Crown's singular Western approach to intellectual property laws (such as patents and copyrights).

### He aha ngā take kua kitea?

#### What are some of the issues we can see?

The current regulatory framework for bioprospecting does not enable us, as Māori, to exercise rangatiratanga over our indigenous flora and fauna. In relation to our indigenous flora and fauna, this means:

- regulations do not guarantee us the right to participate in, benefit from, and make decisions about the application of existing and future technological advances as they relate to the breeding, genetic manipulation and other processes;
- regulations do not enable our right to control and make decisions about their propagation, development, transport, study or sale;

- there is limited support for our right to protect, enhance, and transmit the cultural, medicinal, and spiritual knowledge and concepts found in the life cycles of indigenous flora and fauna;
- the regulation does not support Māori as kaitiaki to continue to guarantee the right to environmental well-being dependent upon the nurturing and wise use of indigenous flora and fauna, or to uphold the iwi interest in the continued existence of flora and fauna as particular species and as interconnected threads of te ao turoa.

### ***E whai pānga ana tēnei take ki ngā kōrero te wā?***

#### **Does this have anything to do with the conversations happening about the constitution?**

The Wai 262 claim<sup>1</sup> asserts that the Crown has denied Māori tino rangatiratanga, which encompasses our ownership, access, and control in relation to taonga including natural resources, leading to cultural and economic dispossession. At its heart, the Wai 262 claim challenges the Crown's status quo view of the constitution.

Te Taumata (representatives of the initial claimant whānau and iwi advancing the kaupapa on behalf of hapū and iwi) is working to see the constitutionalisation of Te Tiriti o Waitangi through entrenchment of a taonga Māori protection framework, Tiaki Taonga.

The Tiaki Taonga framework moves mātauranga into a sphere whereby protection and/or use of the subject is governed by appropriate tikanga and kawa that underpins the taonga. The framework is kaitiaki and hapū based.

### ***E whai pānga ana tēnei ki ngā iwi taketake o te ao?***

#### **Is this connected in some way to the experience of other indigenous people around the world?**

Indigenous peoples around the world are grappling with issues around preserving their biodiversity and promoting sustainable use and benefit sharing where appropriate. Some of the international conventions and protocols have assumed state ownership of our natural resources, whereas others recognised the rights of indigenous peoples to grant access. Solutions we find here in Aotearoa will support other iwi taketake around the world who are looking for answers to the same issues.

### ***He aha ō whakaaro?***

#### **Do you have any whakaaro you want to share with us on this kaupapa?**

Te Taumata is building relationships with marae, hapū, iwi, communities of kaitiaki, mātauranga practitioners, and technical experts to advance the Wai 262 kaupapa. Do you have any whakaaro you want to share with us? Talk to our people at the Wai 262 tent or send us an email at [projects@wai262.nz](mailto:projects@wai262.nz)

<sup>1</sup>Written by Moana Jackson and led by Saana Murray, Dell Wihongi, John Hippolyte, Tama Poata, Kataraina Rimene and Witi McMath in 1991.