

## **Access and Benefit Sharing Project – Southern Group Mission**

**ABS Project Team. May 1-4, 2018**

### **OBJECTIVES OF THE VISIT**

1. To introduce Pa Enea communities in the islands not yet visited in the Southern Group islands to the Nagoya Protocol and the Access and Benefit Sharing (ABS) Project (Project)
2. To finalise the consultation process with Pa Enea communities with regards to the Project and the current draft of the ABS Policy
3. To gather input regarded as significant to the Pa Enea stakeholders about the ABS project for the development of the ABS Policy.

### **EXECUTIVE SUMMARY**

Due to the shorter travelling times required for the southern group, the proposal to have two meetings per island was ideal to enable the community to have an introduction to the project during the first session, and then a more in-depth introduction to the policy document and what it entailed in the second session. The extra time would have helped people understand what would be in place to help them address many of the issues that they raised during the awareness sessions and allowed us as the policy team to be able to explain how the policy would address their issues.

The focus of the sessions tended towards responsibilities of the Traditional Knowledge Act (TKA) and information that was more the concern of the Ministry of Cultural Development than the ABS Policy. At the same time, it must be acknowledged that it was important that ta'unga and their communities felt comfortable about how they could protect their traditional knowledge by establishing a local register and keeping their information on the island so that any requests or information must be made directly with the owners of this information, on their home island.

As is the case now, word of mouth about the successes of particular vairakau is how people get to know what it does and who provides this medicine. Discussions with the communities highlighted common issues which will require a review of the Traditional Knowledge Act and more TKA training for island government officials. There is also a need for some followup training for the ta'unga communities in the Pa Enea with an update of a 2014 training package by the NES that focused on the protection and conservation of rare plants used for vairakau maori.

For those islands which did get two sessions (Mauke and Atiu) the opportunity for more detail and subsequent feedback about the policy document again was lost when we ended up talking to two groups where the majority of the participants involved people who could not come to the earlier session, so that it was necessary for NES to repeat the awareness raising introduction and the ABS videos. Given more opportunity to speak, the policy team could have used the contents of the excellent ABS to explain the importance of why the policy is necessary. However, because the video was usually shown at the end of an already long session, the opportunity for any relevance of the video to policy development was lost.

During one of our debrief sessions, a suggestion was made to allow group work so that the communities could first discuss and then highlight their concerns for more focused feedback on what they wanted to know or on the policy itself. As it was, most of the sessions were taken up with the explanation of the Protocol so that there was little time to spare for the policy team to get a chance to explain what a policy was and the purpose and use of this policy, but also of the important mechanisms involved in the policy.

This too would have given them more understanding of how their rights would be upheld as providers and how the process of negotiation of any benefits to which they might be entitled to would be negotiated appropriately and legally. We were only once given a short opportunity to address a question about these steps of the process (during the session on Mitiaro).

It was not until Mauke and Atiu that the team felt that they were gaining more traction with regards to better understanding and community buy-in about the importance of the Are Korero as the local mechanism for the protection of their “cultural assets”. This was despite the fact that neither of these islands had an Are Korero system set up for this purpose. In fact, across all the islands, we found that only Pukapuka had a process in place.

In Mauke, the second session reinforced their understanding of the genetic resources as well, due to a repeat of the explanation from NES and also due to local identities being able to express and explain it based on their own experiences, to support the messages being provided by the ABS Team. A valuable asset to the travelling team was a member of the Koutu Nui, Nooroa Teina, who was aware of the CIMTech arrangement and was able to explain his experience from that viewpoint, as well as from what is being done on Aitutaki with regards to the establishment of their Are Korero.

All this work on the ground has been further supported by the excellent English and Maori documentaries which have been recently produced and aired so soon after our visits by Julie Tariipo Shedden (our Media specialist). She has very accurately captured the true focus of the importance of the policy, and her latest news items have highlighted the concerns raised at some of the northern and southern group meetings that relate more specifically to the development of the policy.

## INTRODUCTION

The proposed programme of visits included:

- Tuesday 1 May: Depart Rarotonga 8am, Arrive Mitiaro 8.45am. Meeting #1 at 10.00am (due to a funeral taking place in the village that afternoon).
- Wednesday 2 May: Depart Mitiaro 8am, arrive Mauke 8.30am. Meeting #2 at 9.30am; Meeting #3 at 7pm.
- Thursday 3 May: Depart Mauke 12.30pm arrive Atiu 1.20pm. Meeting #4 7pm
- Friday 4 May: Meeting #5 10am. Depart at 4.30pm, Arrive Rarotonga 5.15pm

We were welcomed at the airport of each new island by the Mayor and/or the Executive Officer, and several members of the community, of the islands.

Island	Mayor	Executive Officer	NES Officer
Mitiaro	Tuaine Patira Ngametua	Tuakeu Tangatapoto	Nooroa Pouao
Mauke	Vaine Aberahama	Royston Jones	Basilio Kaokao
Atiu	Ina Mokoroa	Maara Tairi	Kau Henry



Island	Population	Attendance	%	M	F
Mitiaro	189	32	17%	22	10
Mauke	300	63 (2 meetings)	21%	33	30
Atiu	400	109 (2 meetings)	27%	37	72

## MITIARO

On Mitiaro, we were hosted by the Catholic community, despite their having to also deal with a funeral in the afternoon. At the meeting, we were fortunate to have staff from the Ridge to Reef project, Teariki Rongo among our community audience who asked about how Pa Enea communities would be informed about the different steps that they would need to know about if they were to get involved, and how they would get the help they needed to deal with all the legal aspects related to the agreements. In Maori he also briefly explained “genetic resources” that scientists needed to drill down to in their laboratories to access the information that they needed for their work. Teariki has an interest in this particular area as he has formed a group (Te Vaka Ta’unga – Te Rito O te Vairakau Maori) that promotes the use of vairakau maori.

Unfortunately, there did not seem to much awareness of the Are Korero among the participants. The team encouraged them to create an on-island register where they could register their ta’unga vairakai and any other traditional knowledge experts on their island. In that way the island would be taking control of protecting their ta’unga and controlling access to traditional knowledge.



*Meeting #1 on Mitiaro*

Questions that were raised in the Mitiaro meetings:

- How can secret knowledge of ta'unga be protected?
- What happens to our medicine when the scientists take the genetic resources away?
- How can you protect and know that everything that is in the agreement is being followed or that agreements will be kept by overseas companies?
- What if you have several people from different islands claiming ownership of a particular medicine ?
- What are some examples of benefits that people can get?
- There are so many different steps that people have to know about when they get involved. How can providers of the vairakau and the traditional knowledge get help with what they will need to know to negotiate agreements? Especially if the provider can't speak English or understand what scientists might be asking of them?
- What about Ta'unga who do not want to register their medicine because they believe that the mana of their vairakau will be lost?
- Someone needs to come to the outer islands to help to set up its Are Korero so that they know what is expected of them.

I met with the Principal of the Mitiaro School, Christopher Story, who offered to photocopy and distributed the draft policy and a one-pager on the Nagoya Protocol to interested members of the community and to gather any feedback from them about the information. I had originally hoped to share and discuss the contents of these documents with the communities during our sessions, but we didn't have time.

Because the village was busy preparing for the funeral, Christopher took some time to show us the solar farm where we met the person in charge of the farm, and a community water centre where villagers can access tap water directly from the water table. We also visited the lake and the cave pools where some of the team took advantage of the clear spring water for a plunge.

## **MAUKE**

On Mauke, the NES Officer, Basilio Kaokao organised our itinerary and officiated at the meetings. The first meeting in the morning was well attended, despite a fundraising activity on at the same time. However, initial participation was minimal as they absorbed the information imparted to them by Emily and Elizabeth, with some input from Mathilda and Maureen.

Questions and comments from the **MORNING** session:

- The policy must abide by the traditions of the islands, but are our plants protected? (They aren't unless they are under the Environment Act or from a protected area)
- The medicine made on the island should be for the use of the island and its people. Examples of this were given by members of the audience.
- How do you identify the rightful owner of the product? A lot of people advertise their product as "miracle" even if it does not work the same on everybody. Some "Mauke oil" is being sold by people from other islands as their own.

- How do we involve the mayor and the council members the decision-making relating to this policy (Mathilda explained the Traditional knowledge Act and the establishment of the island's Are Korero)
- What kinds of benefit can people get from these agreements and how are these benefits coordinated and controlled? (Elizabeth explained the CIMtech and other country examples before the Protocol was in place and identified the problems that must be resolved during the MAT.)
- How can MAT ensure that people will get their rightful share? (Maureen explained the Competent National Authority and the National Focal Point, as the resource services for any queries about PIC, MAT and benefits for providers).

The NES Officer reported that the Ministry of Agriculture has designated a site for growing vairakau plants although it was acknowledged that some plants require a particular environment in which to flourish (like on the makatea).



*Meetings #2 and #3 on Mauke*

The **EVENING** session drew some people from the morning session who wanted to learn more, and others who may have been working during the day.

Following the standard introductory session and then the ABS videos, people asked some of the same questions to get more clarity and then posed additional questions that had not been raised earlier.

- How can we make sure that the providers understand exactly what the other party is asking for in their MAT – the policy will ensure that there is a Maori speaking legal advisor who can ensure that there is full understanding of the agreement that providers are signing.
- A member of the Koutu Nui attended the evening meeting and was able to give the Koutu Nui version of the CIMTech arrangement. It was explained that these arrangements would remain with the Koutu Nui, but any new developments as a result of their genetic investigations would require a new contract under the new policy rules. (MH)
- Who owns the medicine that CIMTech is using? (Liz explained that the arrangement has been made with the Koutu Nui, although CIMTech are apparently looking into compensating that women who provided the traditional knowledge and the idea of the use of the specific plant for mending broken bones).
- There was general consensus that registering the name of the ta'unga and the purpose of their vairakau would be a good thing for a number of reasons, particularly establishing their own

Mauke register of their island's experts, and setting down who would succeed as the owner of the medicine, and be taught how to make it. It was also emphasised that it was up to the ta'unga as to how much information they wanted to reveal in the local register.

- There was also general consensus that the awareness raising sessions were really important, as was the need for more information about the process – how to get advice about PIC and MAT.

## ATIU

We knew the meetings on Atiu might be different because they were the last island to be visited and had already been exposed to TV and other media coverage, including social media, of what had occurred on other islands during our visits in relation to this project. The first meeting was attended by the Ariki and also the MP for the local constituency (Hon. Rose Brown). The larger number of women who attended was noted in comparison to our other meetings, although it was the younger women who asked the questions. We later found that the majority of the ta'unga on Atiu (and Mauke) are women.

During our two meetings on the island, we noted that they were more inclusive of other members of the community. The senior students of Enuamanu School were invited to attend the second meeting, as were all the ta'unga on the island. While the project lost its focus a bit with regards to the policy during the second meeting, it did allow the students an opportunity to learn more about vairakau maori from the ta'unga themselves and getting a better appreciation of the use of local plants and their uses. They also got to understand a little about the project but in their acknowledgements this was secondary to what they had learned from their elders during the session. It made sense that this would have been of priority to them.

What was particularly noticeable during the question time on Atiu was the quality of the questions that were asked which were more focused on the policy issues and direction. Mention of documents that had been sent to all the Mayors and EOs before our visits had been given some attention. In this instance the EO apologised that although he had not had time to study it as he would have wanted, he did hand it out to others who were interested in the project.



*Meetings #4 and #5 on Atiu*

Questions asked in the EVENING session that were of interest to the development of the policy:

- What Ministries are in charge of the registration of information about vairakau? Does it cost anything to register?
- You mention a register that is going to be stored at the MOCD, but is there going to be a smaller body which is going to store those ideas about who owns and makes medicine on each of our islands before it goes to the MOCD and to others from overseas, and generally looks after their interests? (Mathilda explained the Traditional Knowledge Act; Nooroa explained what Aitutaki has done to establish a register on their island; Maureen explained the development of the Are Korero and the importance of registering experts from across all the cultural sectors, including ta'unga vairakau)
- If I register my knowledge and then I die, can I register my next of kin – the person who is going to take over my role as the knowledge holder? How do I do this? (Liz explained that informants to a register could give whatever information that they want to include onto the register of the Are Korero that will be helpful to the island to establish rights to any traditional knowledge)
- Can someone take a patent out on a person's medicine? What is the difference between a patent and a registration? If people take a patent out on someone's medicine, what rights do the ta'unga have to stop them (Mathilda explained from a legal perspective, but the Cook Islands does not have a patent law but users could take out a patent in their own country. Maureen explained that if a patent on the genetic resources was planned then it must be written into the mutually agreed terms)
- How will the Are Korero know what kind of permission to give to a researcher when they ask if they can have permission to do some research on the island. (Maureen explained the involvement of the Research Unit at the Office of the Prime Minister and the involvement of the Are Korero who will require some training of Are Korero so that they can develop the knowledge to help people to develop their PIC and MAT.)
- What sort of help will island governments be able to get to establish an Are Korero and an appropriate register to help the island keep a record of its ta'unga and their traditional knowledge?

This evening meeting started at 7pm but was cut short by the organisers after 2 hours because people had to work the next day. However, another meeting had been organised for the following morning, to continue the discussion.

During our debrief session that evening, the policy team who had had some significant input into this session were asked to reduce their input because it had extended the time of the meeting. But it must be noted that during this meeting, it was the first time that the policy team had been able to talk about the contents of the policy document, and to get the appropriate feedback we needed in order to make changes that were relevant to them. To support the need for more policy input, Nooroa Teina suggested that in our final meeting we break the audience up into groups so that they could discuss what issues were of concern to them about the ABS process which had been explained at both meetings, and to allow us some time to get some appropriate feedback. This gained majority approval and a programme was agreed upon.

The morning meeting began at 9am, and after Emily had presented her introductory remarks about the project, and shown the 25 minute video about ABS. There was very little discussion about the video and only a short session of questions from the audience before morning tea (10.30). When we returned, the

NES officer took over and proceedings went differently from what had been suggested the night before, but each ta'unga was invited to introduce themselves and to talk about their vairakau. This took another 2 hours, including some questions but these were directed more at the ta'unga than on the project.

Some final points were made by community leaders.

- The Principal of Enuamanu School stressing the importance of the island protecting its traditional knowledge and its heritage. What belongs to Atiu is their own and the same should go for the other islands – to protect each islands identity. The same protection should be given to all cultural endeavours.
- The Principal also asked if there could be a law specific for Atiu to protect its cultural assets and its island's identity? (Mathilda replied that there is a provision under the Island Government Act to make such by-laws and regulations).
- The EO emphasised the uniqueness of each island and agreed about the importance of retaining their traditional knowledge. But his concern was that as a scientist and researcher, if too much information was shared, then a scientist need only know that a particular plant could be used for a particular purpose on Atiu, to just take a piece of that plant from some other island in the Pacific and find out its genetic properties, without having to come to the Cook Islands. The only protection is not giving to much information away – a strength in our culture for “sharing and caring” which could contribute to our giving away our protection.
- The Mayor asked the community to support the establishment of an Are Korero for the island and for them to start a registration process so that they could protect their “cultural assets” (as raised by Maureen in her contribution). They may need support develop this, as for the other islands that do not yet have an Are Korero



*Atiu ta'unga interacting with Enuamanu students in Meeting #5*

#### **ACKNOWLEDGEMENTS:**

Many thanks to the Mayors and EOs who looked after us on the island, and to the National Environment Officers who helped to facilitate the meetings. While we have been “on the road” Julie Taripo Shedden has regularly updated the community about what has been happening during our visits on social media and getting very positive responses. She has produced ongoing CInews articles as well as CITV news media items in both Maori and English to explain and support the work we did during these two weeks of travelling. These will provide excellent precursors to the raising awareness sessions that NES will undertake on Rarotonga before the policy team provides the final draft of the policy document to the Rarotongan community for their comments.