
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION
ON BIOPROSPECTING.

1 WHEREAS, the Legislature finds that Hawaii's biological
2 resources are assets of the public land trust that are
3 culturally, spiritually, medicinally, and otherwise significant
4 to native Hawaiians and the general public; and
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6 WHEREAS, Hawaii runs the risk of losing its biological
7 resources as natural habitat is developed, natural environment
8 is degraded, and non-sustainable consumptive practices are
9 perpetuated; and
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11 WHEREAS, Hawaii's unique biological resources are assets of
12 a public trust established in Article XI, section 1, of the
13 Hawaii State Constitution and section 171-2, Hawaii Revised
14 Statutes; and
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16 WHEREAS, Hawaii's biological resources are of great
17 potential economic benefit in the areas of medicine, scientific
18 research, biotechnology, and commercial development; and
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20 WHEREAS, there is a need to develop public policy to
21 balance development and commercialization with scientific
22 research and conservation of Hawaii's fragile bio-resources, and
23 fair and equitable benefit-sharing with the general public and
24 native Hawaiians, who are the beneficiaries of the public land
25 trust; and
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27 WHEREAS, in its report to the Legislature entitled,
28 "Bioprospecting: Issues and Policy Consideration", January
29 2006, the Legislative Reference Bureau recommended four policy
30 areas for discussion, including:
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32 (1) Prior informed consent;
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- 1 (2) Rights of indigenous knowledge holders;
- 2
- 3 (3) Equitable benefit-sharing; and
- 4
- 5 (4) Conservation, preservation, and sustainable use of
- 6 biological diversity;
- 7

8 and

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10 WHEREAS, if the rights-holders and stakeholders, who have
11 worked on these issues can agree to these four policies, it may
12 serve as the basis upon which a regulatory permitting and
13 licensing process can be developed; now, therefore,

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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-third Legislature of the State of Hawaii, Regular Session
17 of 2006, the Senate concurring, that the Governor is requested
18 to establish a temporary advisory commission on bioprospecting,
19 to be placed within the Office of Hawaiian Affairs for
20 administrative purposes only, to make recommendations for policy
21 development in the area of:

- 22
- 23 (1) Prior informed consent;
- 24
- 25 (2) Equitable benefit-sharing;
- 26
- 27 (3) Bio-safety protocols;
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- 29 (4) A permitting and licensing process; and
- 30
- 31 (5) Cultural rights for the use of Hawaii's biodiversity;
- 32

33 and

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35 BE IT FURTHER RESOLVED that members of the temporary
36 advisory commission on bioprospecting represent the various
37 rights-holders and stakeholders, including the following:

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- 39 (1) The Chairperson of the Board of Trustees of the Office
- 40 of Hawaiian Affairs or a designee;
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- 42 (2) The President of the University of Hawaii or a
- 43 designee;
- 44

1 (3) The Director of Business, Economic Development, and
2 Tourism or a designee;

3
4 (4) The Chairperson of the Board of Land and Natural
5 Resources or a designee;

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7 (5) Five members of the native Hawaiian community,
8 residing in the State of Hawaii, who have a
9 demonstrated background in:

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11 (A) Traditional and customary use of biological and
12 genetic resources;

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14 (B) Indigenous and traditional technologies;

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16 (C) Scientific and technical uses of native Hawaiian
17 practices;

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19 (D) Legal procedures nationally and internationally,
20 in connection with the protection or
21 commercialization of biological and genetic
22 resources; and

23
24 (E) Native Hawaiian cultural rights as contained in
25 the Hawaii State Constitution and statutes;

26
27 who are appointed by the Governor from lists of
28 nominees submitted by the President of the Senate,
29 Speaker of the House of Representatives, and Hawaiian
30 organizations; and

31
32 (6) Two representatives from the biotechnology industry,
33 whose principal place of business is in the State of
34 Hawaii, who are appointed by the Governor from lists
35 of nominees submitted by the President of the Senate
36 and the Speaker of the House of Representatives, and
37 members of the biotechnology industry, based in
38 Hawaii;

39
40 and

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42 BE IT FURTHER RESOLVED that the temporary advisory
43 commission on bioprospecting is requested to prepare a report of
44 its recommendations to the Legislature and the Governor not



1 later than 20 days prior to the convening of the Regular Session
2 of 2007; and
3

4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Governor, President
6 of the Senate, Speaker of the House of Representatives, and
7 Chairperson of the Board of Trustees of the Office of Hawaiian
8 Affairs.

