
SENATE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION
ON BIOLOGICAL DIVERSITY.

1 WHEREAS, the Legislature finds that Hawaii's biological
2 diversity and biological resources are assets of the public land
3 trust that are culturally, spiritually, medicinally, and
4 otherwise significant to native Hawaiians and the general
5 public; and

6
7 WHEREAS, Hawaii runs the risk of losing its biodiversity as
8 natural habitat is developed, natural environment is degraded,
9 and non-sustainable consumptive practices are perpetuated; and

10
11 WHEREAS, Hawaii's unique biological diversity and
12 biological resources are assets of a public trust established in
13 article XI, section 1, of the Hawaii State Constitution and
14 section 171-2, Hawaii Revised Statutes; and

15
16 WHEREAS, Hawaii's biological diversity and biological
17 resources are of great potential economic benefit in the areas
18 of medicine, scientific research, biotechnology, and commercial
19 development; and

20
21 WHEREAS, there is a need to develop public policy to
22 balance scientific research and commercialization with the
23 preservation of Hawaii's fragile bio-resources, and fair and
24 equitable benefit-sharing with the general public and native
25 Hawaiians, who are the beneficiaries of the public land trust;
26 and

27
28 WHEREAS, the Legislative Reference Bureau, in its report to
29 the Legislature entitled, "Bioprospecting: Issues and Policy
30 Consideration", January 2006, recommended four policy areas for
31 discussion, including:

32
33 (1) Prior informed consent;



- 1
- 2 (2) Rights of indigenous knowledge holders;
- 3
- 4 (3) Equitable benefit-sharing; and
- 5
- 6 (4) Conservation, preservation, and sustainable use of
- 7 biodiversity; and
- 8

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

13
 14 BE IT RESOLVED by the Senate of the Twenty-third
 15 Legislature of the State of Hawaii, Regular Session of 2006, the
 16 House of Representatives concurring, that the Governor is
 17 requested to establish a temporary advisory commission on
 18 biological diversity, to be placed within the Office of Hawaiian
 19 Affairs for administrative purposes only, to make
 20 recommendations for policy development in the area of:

- 21
- 22 (1) Prior informed consent;
- 23
- 24 (2) Equitable benefit-sharing;
- 25
- 26 (3) Bio-safety protocols;
- 27
- 28 (4) A permitting and licensing process; and
- 29
- 30 (5) Cultural rights for the use of Hawaii's biodiversity;
- 31 and
- 32

33 BE IT FURTHER RESOLVED that the Legislature requests that
 34 members of the temporary advisory commission on biological
 35 diversity represent the various rights-holders and stakeholders
 36 including the following:

- 37
- 38 (1) The Chairperson of the Board of Trustees of the Office
- 39 of Hawaiian Affairs or a designee;
- 40
- 41 (2) The President of the University of Hawaii or a
- 42 designee;
- 43



- 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;
- 6
- 7 (5) Five members of the native Hawaiian community,
- 8 residing in the State of Hawaii, who have a
- 9 demonstrated background in:
- 10
- 11 (A) Traditional and customary use of biological and
- 12 genetic resources;
- 13
- 14 (B) Indigenous and traditional technologies;
- 15
- 16 (C) Scientific and technical uses of native Hawaiian
- 17 practices;
- 18
- 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 and
- 29 the Speaker of the House of Representatives, and
- 30 Hawaiian organizations;
- 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; and
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40 BE IT FURTHER RESOLVED that the temporary advisory

41 commission on biological diversity is requested to prepare a

42 report of its recommendations to the Legislature and the

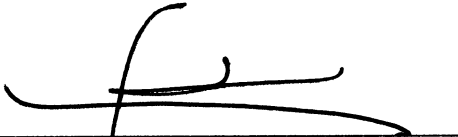


43 Governor not later than twenty days prior to the convening of

44 the Regular Session of 2007; and

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

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OFFERED BY:



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