

CHAPTER 20

MĀORI TRADE AND ECONOMIC COOPERATION

ARTICLE 20.1

Definitions

For the purposes of this Chapter, the following definitions apply:

- (a) "Aotearoa New Zealand" means New Zealand, a Party to this Agreement. Aotearoa is a Māori term that refers to New Zealand;

- (b) "te ao Māori" means the Māori worldview based on a holistic approach to life;
- (c) "mātauranga Māori" means Māori traditional knowledge that relates to te ao Māori;
- (d) "tikanga Māori" means Māori protocols, customs and normal practice;
- (e) "kaupapa Māori" means an approach entrenched in te ao Māori;
- (f) "Māori relational approaches" refers to 'whakapapa or family connections, and building strong relationships, which are core values at the heart of the te ao Māori and central to how Māori engage;
- (g) "wellbeing" from a te ao Māori perspective, means the balancing and interconnection of numerous factors required for individuals and groups to be truly well and thrive; including taha tinana (body), taha hinengaro (mind), taha wairua (spirit), whenua (land), whakapapa (genealogy) and kaitiakitanga (stewardship); the term "wellbeing" can also include environmental, economic, and cultural aspects;
- (h) "taonga" means a highly valuable or prized object, element, natural resource or possession, and can be tangible or intangible;
- (i) "Mānuka" means the Māori word used exclusively for the tree *Leptospermum scoparium* grown in Aotearoa New Zealand and products including honey and oil deriving from that tree; Mānuka (spelling variations include "Manuka" and "Maanuka") is culturally important to Māori as a taonga and traditional medicine; and
- (j) "wāhine Māori" means indigenous women of Aotearoa New Zealand.

ARTICLE 20.2

Context and purpose

1. The Parties acknowledge that te Tiriti o Waitangi / the Treaty of Waitangi is a foundational document of constitutional importance to Aotearoa New Zealand.
2. The Parties recognise the importance of international trade in enabling and advancing Māori wellbeing, and the challenges that may exist for Māori in accessing the trade and investment opportunities derived from international trade.
3. The purpose of this Chapter is to pursue mutual cooperation to contribute towards Aotearoa New Zealand's efforts to enable and advance Māori economic aspirations and wellbeing.
4. The Parties recognise the importance of cooperation under this Chapter being implemented, in the case of Aotearoa New Zealand, in a manner consistent with te Tiriti o Waitangi / the Treaty of Waitangi and where appropriate informed by te ao Māori, mātauranga Māori, tikanga Māori and kaupapa Māori.

5. The Parties recognise the value that Māori approaches, informed by te ao Māori, mātauranga Māori, tikanga Māori and kaupapa Māori, can contribute to the design and implementation of policies and programmes in Aotearoa New Zealand that protect and promote Māori trade and economic aspirations.

6. The Parties recognise the value of increased Māori participation in international trade and investment, including digital trade. This includes through the promotion of Māori relational approaches, informed by te ao Māori, mātauranga Māori, tikanga Māori and kaupapa Māori, in the case of Aotearoa New Zealand.

7. The Parties recognise the value of enhancing people-to-people links that may result from the opportunities created by this Chapter for both Parties.

ARTICLE 20.3

International instruments

1. The Parties note:
 - (a) the United Nations Declaration on the Rights of Indigenous Peoples, adopted in New York on 13 September 2007 and their respective positions made on that Declaration;
 - (b) the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted in Paris on 20 October 2005;
 - (c) the 2030 Agenda for Sustainable Development;
 - (d) their rights and responsibilities under the Convention on Biological Diversity; and
 - (e) the United Nations Guiding Principles on Business and Human Rights.

ARTICLE 20.4

Provisions across this Agreement benefitting Māori

In addition to this Chapter, there are specific provisions in other Chapters of this Agreement that aim to enhance Māori participation in trade and investment opportunities derived from this Agreement that, in the case of Aotearoa New Zealand, further contribute to the ability of the Māori to exercise their rights and interests under te Tiriti o Waitangi / the Treaty of Waitangi. Such provisions include:

- (a) Chapter 2 (National treatment and market access for goods), including Mānuka, Mānuka honey, Mānuka oil and other goods of interest to Māori;
- (b) Chapter 7 (Sustainable food systems), including cooperation on indigenous knowledge, participation, and leadership in food systems, in line with national circumstances under Article 7.4 (Cooperation to improve the sustainability of food systems);
- (c) Chapter 10 (Trade in services and investment);
- (d) Chapter 12 (Digital trade);
- (e) Chapter 14 (Public procurement);
- (f) Chapter 18 (Intellectual property);
- (g) Chapter 19 (Trade and sustainable development), including wāhine Māori under Article 19.4 (Trade and gender equality);
- (h) Chapter 21 (Small and medium-sized enterprises);

- (i) Chapter 24 (Institutional provisions), including Māori representation in the case of Aotearoa New Zealand in the domestic advisory groups referred to in Article 24.6 (Domestic advisory groups) and in the Civil Society Forum under Article 24.7 (Civil Society Forum); and
- (j) Chapter 25 (Exceptions and general provisions), including on te Tiriti o Waitangi / the Treaty of Waitangi under Article 25.6 (Tiriti o Waitangi / Treaty of Waitangi).

ARTICLE 20.5

Cooperation activities

1. The Parties acknowledge that cooperation activities under this Chapter shall be carried out within the existing framework set by the Partnership Agreement and subject to the resources available to each Party.¹

2. To achieve the objectives set out in this Chapter, the Parties may coordinate cooperation activities, with Māori in the case of Aotearoa New Zealand, and other relevant stakeholders as appropriate. Those cooperation activities may include:

- (a) collaborating to enhance the ability for Māori-owned enterprises to access and benefit from the trade and investment opportunities created by this Agreement;
- (b) collaborating to develop links between Union and Māori-owned enterprises, with a particular focus on SMEs, to facilitate access to new and existing supply chains, enable and strengthen opportunities for digital trade, and facilitate cooperation between enterprises on trade in Māori products;
- (c) supporting science, research and innovation links, as appropriate between Union and Māori communities, pursuant to the Agreement on scientific and technological cooperation between the European Community and the Government of New Zealand²; and
- (d) cooperating and exchanging information and experience on geographical indications.

¹ For greater certainty, this Chapter does not impose any legal or financial obligations requiring the Parties to explore, commence or conclude any individual cooperation activities.

² OJ EU L 171, 1.7.2009, p. 28.

3. In undertaking the cooperation activities referred to in paragraph 2, each Party may invite the views and participation of relevant stakeholders, and, in the case of Aotearoa New Zealand, of Māori in accordance with te Tiriti o Waitangi / the Treaty of Waitangi.

4. All cooperation shall be at the request of a Party, on mutually agreed terms in respect of each cooperation activity.

ARTICLE 20.6

Institutional mechanism

1. In accordance with point (b) of Article 24.2(1) (Functions of the Trade Committee), the Trade Committee shall supervise and facilitate the implementation and application of, *inter alia*, this Chapter.

2. In accordance with Article 24.6 (Domestic advisory groups), each Party's domestic advisory group³ shall advise that Party on issues covered by this Agreement, including those issues that are covered by this Chapter, and may submit recommendations on the implementation of this Chapter.

³ In the case of Aotearoa New Zealand, the domestic advisory group shall include Māori representatives.

3. In accordance with Article 24.7 (Civil Society Forum), the Civil Society Forum⁴ gathering independent civil society organisations established in the territories of the Parties, including members of the domestic advisory groups, shall conduct a dialogue on the implementation of this Agreement, including on the implementation of this Chapter.

4. The Joint Committee established under Article 53(1) of the Partnership Agreement shall monitor the development of the comprehensive relationship between the Parties and exchange views and make suggestions on any issues of common interest, including issues that are not covered by this Agreement.

ARTICLE 20.7

Non-application of dispute settlement

Chapter 26 (Dispute settlement) does not apply to this Chapter.

⁴ In the case of Aotearoa New Zealand, the Civil Society Forum shall include Māori representatives.

