

Disclaimer: *In view of the Commission and New Zealand's respective transparency policies, the Commission and New Zealand are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 30 June 2022 (Brussels time).*

The texts are published in view of the public interest in the negotiations for information purposes only and they may undergo further modifications, including as a result of the process of legal revision. These texts are without prejudice to the final outcome of the Agreement between the EU and New Zealand.

The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its internal legal procedures necessary for the entry into force of the Agreement.

CHAPTER X

MĀORI TRADE AND ECONOMIC COOPERATION

ARTICLE X.1

Terminology¹

For the purposes of this Chapter:

- (a) “Te Ao Māori” refers to the Māori worldview based on a holistic approach to life.
- (b) “Mātauranga Māori” refers to Māori traditional knowledge that relates to the Māori worldview.
- (c) “Tikanga Māori” refers to Māori protocols, customs and normal practice.
- (d) “Kaupapa Māori” refers to an approach entrenched in a Māori worldview.
- (e) “Māori relational approaches” refers to ‘Whakapapa’ or family connections, and building strong relationships, which are core values at the heart of the Māori worldview and central to how Māori engage.
- (f) “Wellbeing” from a Te Ao Māori perspective refers to the balancing and inter-connection 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

¹ Drafters note for legal scrub: terms are deliberately listed in this order and not alphabetically, as they represent a certain hierarchy.

(genealogy) and kaitiakitanga (stewardship). It can also include environmental, economic, and cultural aspects.

- (g) “Mānuka” refers to 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 (and its spelling variations including “Manuka” and “Maanuka”) is culturally important to Māori as a tāonga and traditional medicine.
- (h) “Tāonga” refers to a highly valuable or prized object, element, natural resource or possession, and can be tangible or intangible.
- (i) “Wāhine Māori” refers to indigenous women of Aotearoa New Zealand.

ARTICLE X.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 Parties agree that the purpose of this Chapter is to pursue cooperation between them 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 X.3

International Instruments

1. The Parties note:
 - (a) The United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly on 13 September 2007 and their respective positions made on that Declaration;
 - (b) The *UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions*, adopted in Paris on 20 October 2005;
 - (c) The *United Nations 2030 Agenda for Sustainable Development*, adopted by the United Nations General Assembly Resolution 70/1 on 25 September 2015 and its *Sustainable Development Goals*; and
 - (d) Their rights and responsibilities under the *Convention on Biological Diversity* adopted in Rio de Janeiro on 5 June 1992.
 - (e) The United Nations Guiding Principles on Business and Human Rights.

ARTICLE X.4

Provisions across the 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 for Māori to exercise their rights and interests under Te Tiriti o Waitangi/The Treaty of Waitangi.

These include:

- (a) Chapter [XX] (Trade in Goods) including *Mānuka*, *Mānuka Honey*, *Mānuka Oil* and other goods of interest to Māori;
- (b) Chapter [XX] (Services and Investment);
- (c) Chapter [XX] (Digital Trade);
- (d) Chapter [XX] (Government Procurement);
- (e) Chapter [XX] (Intellectual Property);
- (f) Chapter [XX] (Small and Medium-Sized Enterprises);
- (g) Chapter [XX] (Trade and Sustainable Development) including *wāhine Māori*;
- (h) Chapter [XX] (Sustainable Food Systems) including cooperation on indigenous knowledge, participation, and leadership in food systems, in line with national circumstances;
- (i) Chapter [XX] (Institutional Provisions) including Māori representation in the case of Aotearoa New Zealand on the Domestic Advisory Group and the Civil Society Forum;
- (j) Chapter [XX] (Exceptions) including on the Treaty of Waitangi.

ARTICLE X.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 on Relations and Cooperation² and subject to the resources available to each Party³.
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. These activities may include, but are not limited to:
 - (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 EU and Māori-owned enterprises, with a particular focus on Small and Medium-Sized Enterprises, 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 the EU and Māori communities, pursuant to the European Union-New Zealand Scientific and Technology Cooperation Agreement; and
 - (d) Cooperating and exchanging information and experience on geographical indications.
3. Each Party may invite the views and participation in the cooperation activities of this Chapter 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.

² For legal scrub to make the appropriate cross-reference to the Partnership Agreement on Relations and Cooperation.

³ For greater certainty, the provisions in this Chapter do not impose any legal or financial obligations requiring the Parties to explore, commence or conclude any individual cooperation activities.

ARTICLE X.6

Institutional mechanism

In accordance with Article X.2 (Institutional Provisions), the Trade Committee shall supervise and facilitate the implementation and application of this Agreement, including the implementation and application of this Chapter.

In accordance with Article X.6 (Institutional Provisions), the respective Domestic Advisory Groups⁴ shall advise the respective Parties on issues covered by this Agreement, including those covered by this Chapter, and may submit recommendations on the implementation of this Agreement.

In accordance with Article X.7 (Institutional Provisions), the Civil Society Forum⁵, 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. The representatives of the Parties participating in the Trade Committee shall, as appropriate, take part in a session of the meeting of the Civil Society Forum in order to present information on the implementation of the Agreement and to engage in a dialogue with the Civil Society Forum.

The Parties recall that, in accordance with Article 53 of the Partnership Agreement on Relations and Cooperation, the Joint Committee under the Partnership Agreement on Relations and Cooperation is tasked to monitor the development of the comprehensive relationship between the Parties and to exchange views and make suggestions on any issues of common interest, including issues that are not covered by this Agreement.

⁴ In the case of Aotearoa New Zealand, the Domestic Advisory Group shall include Māori representatives.

⁵ In the case of Aotearoa New Zealand, the Civil Society Forum shall include Māori representatives.

ARTICLE X.7

Non-Application of Dispute Settlement

Neither Party shall have recourse to dispute settlement, under Chapter X (Dispute Settlement) for a matter arising under this Chapter.