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ŪROPI TAUHOKOHOKO KA TAEA

NEW ZEALAND-EUROPEAN UNION FREE TRADE AGREEMENT:
AN INDEPENDENT ASSESSMENT OF THE IMPACTS FOR MĀORI



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Dr Jason Paul Mika

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MANATŪ AORERE

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A NOTE ON WRITING CONVENTIONS

Writing and referencing conform to APA 7 (American Psychological Association, 2020). This means no footnotes are used and lowercase is used unless there is specific guidance to capitalise them. For example, the Treaty of Waitangi and te Tiriti o Waitangi are proper nouns and capitalised when written in full, but lowercase is used when they are abbreviated to treaty or tiriti. Further, lowercase is used when referring to positions (e.g., chair) and organisations (e.g., ministry).

Māori is an official language of Aotearoa New Zealand. Near equivalent English words are provided in brackets after Māori words that have particular meanings in this report. Official Māori names for government departments are used unless part of a direct quote.

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Maori Battalion performing a haka, Egypt. New Zealand.

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1. WHAKARĀPOPOTOTANGA—SUMMARY

This report, entitled *Ūropi tauhokohoko ka taea*, which means ‘the enabling of trade with Europe,’ represents an independent assessment of the New Zealand-European Union free trade agreement (NZ-EU FTA) commissioned by Manatū Aorere—Ministry of Foreign Affairs and Trade (MFAT) as part of a National Interest Analysis (NIA). An NIA is an important way in which parliament can be assured that international treaties, like FTAs, that Aotearoa New Zealand intends to enter into are done so with confidence about their contents and how New Zealanders are affected. As the government’s lead agency on trade policy, Manatū Aorere prepares NIAs, but the Trade for All Advisory Board suggested the need for more independent analysis. This report was prepared by an independent advisor who is familiar with the issues, having previously conducted similar work. Concluded in June 2022, the NZ-EU FTA is expected to come into force in 2024. When this happens, 91% of tariffs are immediately eliminated, with eventual tariff savings of \$100m per annum adding to the \$17.5 billion in two-way trade.

The purpose of this report was to assess key outcomes of the NZ-EU FTA for Māori, with a focus on aspects of strong interest to Māori, including key sectors of the Māori economy, as well as particular interests in services and investment, geographical indications, digital trade, and the Māori trade chapter. In keeping with the independent nature of this assessment, a holistic kaupapa Māori framework was devised consisting of four dimensions—te ao Māori (Māori world view), te Tiriti o Waitangi (Treaty of Waitangi), te ōhanga (economy), and te taiao (environment)—on which to frame the assessment. The assessment involved a five-stage process of whanaungatanga (relationships), whai hua (document analysis), whai rawa (modelling), whai whakaaro (interviews), and whakamārama (discussion). The assessment relied on available documents, existing modelling, and official information.

In terms of whai hua (documents), the assessment found that benefits for Māori include tariff elimination on Māori goods, the treaty exception, a Māori trade chapter, references to mātauranga Māori, treaty partner engagement, and representation on groups formed under the NZ-EU FTA. Reviewed documents indicate, however, that reservations remain about protection of Māori treaty rights, the softening of benefits to Māori because of pre-existing vulnerabilities, and the size of Māori economic gains. Under whai rawa (economy), while the NZ-EU FTA is forecast to add \$1.4 billion to Aotearoa New Zealand’s gross domestic product (GDP) annually, the Māori economy’s share of this gain is unknown. By emulating existing modelling, the economic impact for Māori is estimated to range from NZ\$80 million (low) to NZ\$150 million (high) in real GDP accruing to the Māori economy as a result of the NZ-EU FTA, with \$110 million per annum the most likely scenario. This assumes an 8% growth rate in the Māori economy. Distributional effects were not assessed. Under whai whakaaro (interviews with 26 individuals), the assessment found that three of the four treaty partners (Federation of Māori Authorities, Te Taumata, Iwi Chairs Forum) were buoyant about the prospects for Māori trade with the European Union (EU). Ngā Toki Whakarururanga in their assessment identified limitations in the level of protection of Māori treaty rights and the efficacy of the treaty exception. They also desire tiriti-based negotiation. Officials provided candid reflections on the NZ-EU FTA outcomes for Māori, which are included here. Implementation success will depend on continued treaty partner engagement, adequate resourcing of the same, Māori-centred trade facilitation, and advancing domestic policy work to protect Māori treaty rights in the NZ-EU FTA.

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2.3 Abbreviations

AUKUS	A security pact between Australia, the United Kingdom, and the United States
CGE	Computable general equilibrium
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
EC	European Commission
EIF	entry into force
EU	European Union
FAO	Food and Agriculture Organization
FOMA	Federation of Māori Authorities
FTA	free trade agreement
GDP	gross domestic product
GI	geographic indication
IP	intellectual property
IPECTA	Indigenous Peoples Economic and Trade Cooperation Arrangement
IPONZ	Intellectual Property Office of New Zealand
MBIE	Ministry of Business, Innovation and Employment
MFAT	Ministry of Foreign Affairs and Trade
MoU	memorandum of understanding
MPI	Ministry for Primary Industries
MWDI	Māori Women's Development Incorporated
NZ-EU FTA	New Zealand-European Union free trade agreement
NZMT	New Zealand Māori Tourism
NZTE	New Zealand Trade and Enterprise
NZ-UK FTA	New Zealand-United Kingdom free trade agreement
OECD	Organisation for Economic Co-operation and Development
PSITC	Productive, Sustainable, and Inclusive Trade Channel
PVR	plant variety rights
SAS	Statistical Analysis System
SME	small-to-medium enterprise
TPP	Trans Pacific Partnership
UK	United Kingdom
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
US	United States
WTO	World Trade Organization

3. WHAKATAKINGA—INTRODUCTION

3.1 Purpose

The purpose of this report is to provide an independent assessment of the key outcomes of the New Zealand-European Union free trade agreement (NZ-EU FTA) for Māori.

3.2 About the European Union

The European Union (EU) is an economic and political union comprising 27 European countries, whose origins can be traced to post-World War Two efforts to avert further conflict in Europe through increased economic cooperation and interdependency (European Union, 2022b). Today, the EU operates as a single market with its own currency in which EU citizens are free to live, work, study, and retire in any of the 27 EU countries, and goods, services, and investment are able to flow freely across its borders (European Union, 2022b). The European Commission (EC) conducts the day-to-day business of the EU, including shaping EU strategy, proposing EU laws and policies, and managing the EU budget (European Union, 2022b). The European Commission also supports the EU's development and aid work. In June 2022, Aotearoa New Zealand and the EU concluded negotiations for the NZ-EU FTA.

3.3 Terms of reference for an independent assessment of the NZ-EU FTA

The Aotearoa New Zealand government is expected to release a National Interest Analysis (NIA) on the NZ-EU FTA in July 2023. An NIA is a requirement of Parliament's standing orders, which set out what is in the NZ-EU FTA and how it affects New Zealanders (Manatū Aorere, 2022f). In keeping with the Trade for All advisory board's recommendation that NIAs be more independent, Manatū Aorere Ministry of Foreign Affairs and Trade (MFAT) appointed Ace Consulting Limited (Ace) on 2 March 2023 to provide an independent assessment of the key outcomes of the NZ-EU FTA for Māori following a competitive tender by Friday 21 April 2023. Terms of reference for the Ace assessment are set out in Annex 1. The terms of reference require a short report on the key outcomes of the NZ-EU FTA for Māori. The expectation was for a report that demonstrates: (1) a focus on goods market access for Māori using available data; (2) Māori interests in other sectors and in the Māori trade and economic cooperation chapter; (3) an understanding of the Trade for All agenda; (4) experience in economics and trade policy; and (5) an understanding of te ao Māori and Māori interests in FTAs. The assessment needed to consider other areas of the NZ-EU FTA in which Māori have interests, including services, investment, geographical indications, and digital trade. While the terms of reference identified areas in which Māori interests are anticipated, Ace was not restricted those areas that were listed.

3.4 Tikanga rangahau—methodology

The assessment involved a five-stage process, which is outlined at Table 1.

Table 1 Stages of the assessment process

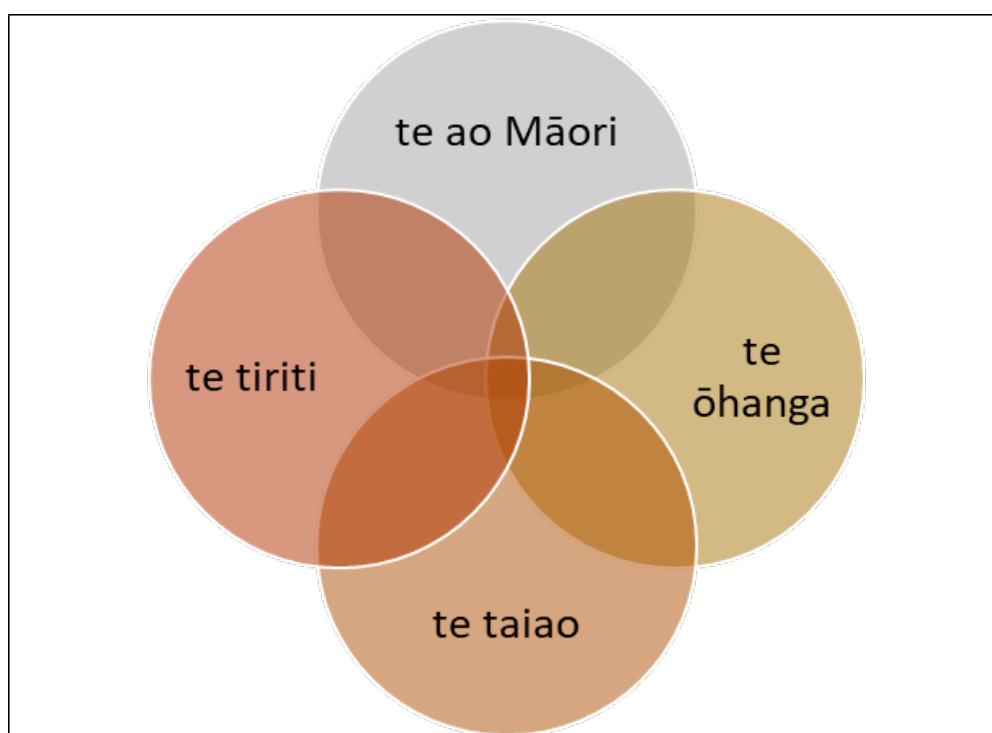
Stage	Description	Activity and deliverables
1.	<p>Whanaungatanga (relationships) Whanaungatanga is the process of establishing relationships, understanding identities, and perspectives of those involved in a process. This stage relates to the process of the assessor becoming familiar with officials and agreeing on the process of communication and engagement with participants.</p>	<ul style="list-style-type: none"> • Advisory group co-design • Project planning • Briefing with MFAT officials • Ethics forms completed (Annex 2—information sheet, Annex 3—consent form, Annex 4—interview schedule) • Interviewee list & contacts obtained <p>Deliverable # 1 Project plan, ethics completed</p>
2.	<p>Whai hua (benefits) In Māori, hua means fruit, while whai is to pursue; thus, whai hua means pursuing the fruits or in this case, the benefits. This stage was a qualitative assessment that involved systematically reviewing available documents on the content, process, and outcomes of the NZ-EU FTA for Māori. The goal was to identify advantages and disadvantages for Māori in the NZ-EU FTA, with a focus on Māori rights and interests, both economic and non-economic.</p>	<ul style="list-style-type: none"> • Framework for analysis of documents developed • Systematic review of documents, including NZ-EU FTA <p>Deliverable # 2 Document review completed</p>
3.	<p>Whai rawa (economy) Whai rawa translates as the pursuit of resources but is used here to refer to the Māori economy. This stage involved a quantitative analysis of the economic impacts of the NZ-EU FTA for Māori using available data and modelling.</p>	<ul style="list-style-type: none"> • Māori economy analysis planning • Evaluating Computable general equilibrium (CGE) model against Māori economy data <p>Deliverable # 3 Māori economy analysis completed</p>
4.	<p>Whai whakaaro (discussion) Whakaaro means thought or idea in Māori, thus whai whakaaro refers to insights here. This stage involved an additional qualitative analysis, specifically interviews with 26 people. These people include trade officials, treaty partners, Māori enterprises, Māori</p>	<ul style="list-style-type: none"> • Interviews confirmed & alternates arranged • Interviews conducted (8-12 interviews was the target) • Transcripts are checked and corrections made • Analysis of the interviews

Stage	Description	Activity and deliverables
	providers, and an EU official and Europe researcher.	Deliverable # 4 Interview findings completed
5.	Whakamārama (explain) Whakamārama, which means to enlighten, with sense-making its goal. Whakamārama involves a synthesis of the earlier stages by assessing what was intended in the NZ-EU FTA for Māori, what was achieved in the content and process, and what outcomes can be expected for Māori, both their favourable and unfavourable consequences.	<ul style="list-style-type: none"> • Write all sections of final report • Peer & officials review of the results • Finalise report based on feedback & advice Deliverable # 5 Final report sent to MFAT

3.5 Ūropi tauhokohoko ka taea assessment framework

A kaupapa Māori framework for this independent assessment was devised called Ūropi tauhokohoko ka taea, or simply tauhokohoko (see Figure 1). All four elements in Figure 1 overlap. This shows that te ao Māori (the Māori world view) is holistic and intertemporal in nature, in which whakapapa unifies and binds the past, present, and future. The relevant question is how does the NZ-EU FTA provide for a Māori world view? Te Tiriti o Waitangi provides principles for Māori and Crown relations, including partnership, tino rangatiratanga, active protection, equity, and options. Such principles encourage consideration of how the NZ-EU FTA engages Māori as treaty partners, provides for partnership, protects Māori rights, recognises rangatiratanga, addresses Māori inequities, and provides for Māori approaches.

Figure 1 Assessment framework



Te ōhanga relates to the material world where economy functions as means toward advancing Māori wellbeing through Māori enterprise, drawing on Māori perspectives, which see trade as a reciprocal exchange of culture and commerce. Thus, how does the NZ-EU FTA provide for Māori approaches to economy, enterprise, and trade? Te taiao is the natural world to which people are bound, both spiritually and physically, through whakapapa and upon whom we depend for our existence and wellbeing. Thus, from a Māori perspective, how does the NZ-EU FTA enable Māori to be effective kaitiaki? As a kaupapa Māori assessment framework, therefore, Ūropi tauhokohoko ka taea allows for Māori perceptions of outcomes of the NZ-EU FTA to be inclusive of perspectives that may differ from those of the Crown and officials. When a holistic world view is taken, what is relevant to Māori may seem at odds with convention because to Māori everything is connected to everything else, but each part of te taiao and, therefore, te ao Māori has its domain, role, and function.

4. WHAI HUA—REVIEW OF DOCUMENTS

4.1 Assessing impacts for Māori from documentation

Whai hua proceeds by reviewing documents that indicate how Māori are affected by what the NZ-EU FTA contains. Following this, three different kinds of frameworks and their assessment of outcomes and impacts for Māori are reviewed. These include government frameworks (trade policy and wellbeing), te Tiriti o Waitangi frameworks (Te Taumata, Ngā Toki Whakarururanga), and economic frameworks (computable general equilibrium, Māori trade data, and sustainable, inclusive, and integrated approaches). Whai hua concludes with a discussion of what the documents say about the benefits for Māori and a summary of the possible advantages and disadvantages of the NZ-EU FTA for Māori. Whai hua relies primarily on published written documents from the New Zealand Government, the EU, Māori and treaty-based organisations, advisors and researchers, with limited use of Cabinet papers.

4.2 Toward a free trade agreement with the European Union

Apart from the United States (US), the EU is Aotearoa New Zealand’s largest trading partner with whom we do not yet have a free trade agreement (Schulze & Reid, 2019). In February 2016, the European parliament agreed to open FTA negotiations with Australia and Aotearoa New Zealand. At the time, the European parliament supported the idea of an FTA with Aotearoa New Zealand, but called upon the European Commission to strike a balance between better market access and EU’s defensive interests (Parry, 2022). The European parliament also wanted other areas addressed, including investment, goods and services, e-commerce, procurement, agriculture, and fisheries, and safeguards to protect European producers in sensitive sectors. On 30 June 2022, Aotearoa New Zealand and the EU concluded negotiations on a free trade agreement after 12 rounds of negotiations. The NZ-EU FTA text comprises the documents listed in Table 2.

Table 2 Text of the NZ-EU FTA

Section	Pages
Consolidated text of all 27 chapters	502
Consolidated annexes	770
New Zealand headnotes and tariff schedules	1059
List of geographic indications	99
European Union headnotes and tariff schedules	1552
Table of Contents	5
Total	3987

The Crown is committed to working with Māori on trade policy, consistent with its obligations to Māori under the Treaty of Waitangi, which have been clarified as a consequence of Waitangi Tribunal and court decisions, notably Wai 2522 (Waitangi Tribunal, 2016a, 2023) and Wai 262 (Williams et al., 2011b). The Trade for All agenda also commits the Crown to be in a more inclusive relationship with its treaty partner in respect of trade policy and the negotiation of free trade agreements (Trade for All Advisory Board, 2019). The Crown’s obligations and the government’s commitments to Māori under the treaty on trade have been reflected in recent trade negotiations, particularly the New Zealand-United Kingdom free trade agreement (NZ-UK FTA) in which treaty partner organisations were consulted and their views sought on the content of the NZ-EU FTA (Manatū Aorere, 2022b). A similar degree of Māori involvement as treaty partners in the NZ-EU FTA was sought (Manatū Aorere, 2022e). While not attesting to the strength of the provisions, Table 3 shows the frequency by which the treaty, Māori, and Indigenous keywords are cited in the NZ-EU FTA text. Such inclusivity of Māori concepts is favourably recognised by the Crown because it represents that mātauranga Māori has an important and relevant place in trade with the EU from an Aotearoa New Zealand perspective. While some Māori organisations are similarly supportive, others worry about the risk of misappropriation because Māori do not control interpretation of these concepts when in FTAs.

Table 3 References to the Treaty of Waitangi, and Māori and Indigenous keywords

Key words	Frequency
Māori	70
Tiriti o Waitangi/Treaty of Waitangi	17
Indigenous	6
wāhine	5
mānuka	5
mātauranga	5
tikanga	4
tāonga	2

4.3 Māori interests and outcomes in the NZ-EU FTA

Manatū Aorere (2022d) describes the benefits of the NZ-EU FTA:

New Zealand has longstanding historical, cultural, political and economic ties to Europe. The EU is our 4th-largest two-way trading partner, with two-way trade worth \$17.5 billion in 2021. Economic modelling suggests that by 2035 the NZ-EU FTA could increase exports to the EU by up to \$1.8 billion (per annum) and generate an extra \$1.4 billion to New Zealand’s GDP (per annum). (p. 1)

Highlights include: 91% of trade will enter the EU duty-free on entry into force (EIF), rising to 97% after seven years and tariff savings on Aotearoa New Zealand exports of \$100m per annum, rising to \$110m after seven years (Manatū Aorere, 2022d). In 2020, “New Zealand exported \$1.87 billion of services to the EU, and imported \$2.67 billion worth of EU services” (Manatū Aorere, 2022d, p. 3). Aotearoa New Zealand providers have an opportunity to provide “language and sports and recreation education services” (Manatū Aorere, 2022d, p. 3). The EU invested \$14.5b in Aotearoa New Zealand stocks in 2020, which is protected by investment rules in the NZ-EU FTA. Service and investment advantages that Aotearoa New Zealand grants other trade partners are automatically extended to the EU and vice versa.

Outcomes relevant for Māori

A snapshot of the NZ-EU FTA with the EU from New Zealand Trade and Enterprise (NZTE) (2022b) and Manatū Aorere (2022g), highlight the following outcomes that are relevant for Māori:

- Mānuka honey. Tariffs eliminated on day one for mānuka honey, including a definition for mānuka as the Māori word used exclusively for the *Leptospermum scoparium* tree grown in Aotearoa New Zealand.
- Inclusion of geographical indications (GIs), which are legally protected names that identify that a product comes from a particular area.
- The inclusion of a Māori trade and economic cooperation chapter to advance Māori trade interests, providing an important new platform to enable Māori to benefit and advance economic aspirations and wellbeing.
- Acknowledgement of te Tiriti o Waitangi/the Treaty of Waitangi as a foundational document of constitutional importance to Aotearoa New Zealand, and references Māori concepts including te ao Māori, mātauranga Māori, tikanga Māori, kaupapa Māori, taonga and wāhine Māori.
- New Zealand’s first ever FTA that includes enforceable commitments on trade and gender equality to advance women’s economic empowerment and engagement in trade, with a specific cooperative focus on wāhine Māori.
- The sustainable food systems chapter includes cooperation on Indigenous knowledge, participation, and leadership in food systems in line with national circumstances.
- Māori engagement in the NZ-EU FTA implementation, which sees the creation of a domestic advisory group and a civil society forum, both provide specifically for Māori representation.

Benefits for Māori

In July 2022, Manatū Aorere (2022c) outlined the benefits of the NZ-EU FTA for Māori. The benefits include:

- Te Tiriti o Waitangi exception, which allows the government “to adopt policies it considers necessary to fulfil its obligations to Māori”
- A Māori Trade and Economic Cooperation chapter, enabling Māori to benefit and “cooperate to advance Māori economic aspirations and wellbeing”
- Tariff elimination on goods of interest to Māori, including:
 - 99.9% of horticultural trade will enter the EU tariff free (saving \$46m pa)
 - Zero tariff on kiwifruit (saving \$36.7m pa), onions (\$6.5m), apples (\$1.3m)

- Zero tariff on wine (\$5.5m pa saving)
- Zero tariff on mānuka honey (\$3.5m pa saving)
- 99.5% of seafood tariff free from day one (\$19.6m savings pa)
- Zero tariff on shellfish (\$6.6m pa saving)
- Phased tariff reductions for 21,000 tonnes of the existing World Trade Organization (WTO) quota for butter
- New FTA access growing to 15,000 tonnes seven years after entry into force
- Improved quota access into the EU for 31,031 tonnes of cheese
- Improved quota access for milk powders
- Duty-free quota access for 3,500 tonnes over seven years for whey products
- Zero tariffs for other dairy products (\$4m pa saving)
- Increase in beef access with quota phasing from 3,333 to 10,000 tonnes
- An additional 38,000 tonnes of sheep meat exports 7 years after entry into force
- A commitment to paperless trading, e-invoicing and e-contracts
- Protection for regulatory frameworks for personal information
- New language for government to promote and protect Māori digital interests
- Flexibility for the Crown to meet its treaty obligations on intellectual property
- Geographical indications allow te reo product names to be protected and linked to locations
- Climate action commitments are now subject to binding dispute settlement
- Provision for Indigenous knowledge and leadership in sustainable food systems
- Enforceable commitments on trade and gender equality for women and wāhine Māori
- Agreement to refrain from granting or maintaining harmful fisheries subsidies.

Officials engaged with Māori throughout the negotiation, including with Te Taumata, Ngā Toki Whakaruruanga, National Iwi Chairs Forum, and Federation of Māori Authorities (FOMA). Māori representation is provided for on a Domestic Advisory Group and a Civil Society Forum as part of the implementation of the NZ-EU FTA.

Treaty exception

The Treaty of Waitangi is unique to Aotearoa New Zealand and fundamental to the country's history, culture, and institutional arrangements (Orange, 1987). The Treaty of Waitangi provides guarantees for the right of Māori to self-determination and includes the duty to consult Māori in decisions that affect them (Durie, 1998). Te Tiriti o Waitangi exception clause will be as per previous FTAs (Schulze & Reid, 2019), which protects the New Zealand government's ability to adopt policies it considers necessary to fulfil its obligations to Māori. As a result of FTAs presently in force, "there is no room for re-litigation of the wording, and it will remain the same in the NZ-EU FTA" (Schulze & Reid, 2019, p. 13) Some concerns exist in Māori business communities around the clause. According to Schulze and Reid (2019) some "stakeholders thought trade could still be prioritised over such treaty rights as governmental rather than Māori interpretations of treaty obligations tend to prevail" (p. 13).

Protecting Māori interests under the treaty exception clause (Chapter 25) is a priority for Government. The treaty exception means the New Zealand government is not prevented from

meeting its obligations to Māori. At article 26.6, the NZ-EU FTA states (European Union & New Zealand Government, 2022, p. 464):

1. Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Party or as a disguised restriction on trade in goods, trade in services and investment, nothing in this Agreement shall preclude the adoption by New Zealand of measures it deems necessary to accord more favourable treatment to Māori in respect of matters covered by this Agreement, including in fulfilment of its obligations under te Tiriti o Waitangi/the Treaty of Waitangi.

2. The Parties agree that the interpretation of te Tiriti o Waitangi/the Treaty of Waitangi, including as to the nature of the rights and obligations arising under it, shall not be subject to the dispute settlement provisions of this Agreement. Chapter 26 (Dispute settlement) shall otherwise apply to this Article. A panel established under Article 26.5 (Establishment of a panel) may be requested by the Union to determine only whether any measure referred to in paragraph 1 is inconsistent with its rights under this Agreement.

Māori trade chapter

As a focal point of Māori interests, a summary of the Māori trade and economic cooperation chapter is provided here (Chapter 20). According to Manatū Aorere (2022d), the chapter “enhances the ability of Māori to access the benefits from the NZ-EU FTA, develop business links between Māori and EU enterprises, and strengthen science, research and innovation connections” (Manatū Aorere, 2022d, p. 4). Chapter 20 runs from pages 413 to 421 and comprises articles 20.1 to 20.7 (European Union & New Zealand Government, 2022). The definitions of Māori concepts provide a useful insight into the cultural differences of te ao Māori as a holistic approach to living well and wellbeing and the willingness of Aotearoa New Zealand and the EU to include them.

Article 20.2(3) states the purpose of the chapter is “to pursue mutual cooperation to contribute towards Aotearoa New Zealand's efforts to enable and advance Māori economic aspirations and wellbeing” (European Union & New Zealand Government, 2022, p. 415). Cooperation on Indigenous trade is underpinned by te Tiriti o Waitangi, trade as pivotal in advancing Māori aspirations, and te ao Māori and associated elements of Māori indigeneity. The EU and Aotearoa New Zealand recognise the value of Māori approaches to policy and programmes that advance Māori aspirations in trade and economic development (article 20.2(5)). Māori participation in trade, digital trade, and people-to-people linkages using Māori approaches is valued (article 20.2(5-6)).

Article 20.3 refers to the EU and Aotearoa New Zealand’s rights and responsibilities under several international instruments, notably, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted 13 September 2007 (McCreery, 2012; UN, 2008), the UN 2030 agenda for sustainable development (UN, 2017), and the Convention on Biological Diversity (Robinson, 2014). The article does not specify what those rights and responsibilities are.

Article 20.4 identifies other provisions in the NZ-EU FTA intended to “enhance Māori participation in trade and investment” (European Union & New Zealand Government, 2022, p. 417). They include: (1) Chapter 2 (National treatment and market access for goods), including mānuka, mānuka honey, mānuka oil and other goods of interest to Māori; (2) Chapter 7 (sustainable food systems), including cooperation on sustainable food systems; (3) Chapter 10 (investment liberalisation and trade in services); (4) Chapter 12 (digital trade); (5) Chapter 14 (public procurement); (6) Chapter 18 (intellectual property); (7) Chapter 19 (trade and sustainable development), including wāhine Māori; (8) Chapter 21 (small and medium-sized enterprises); (9) Chapter 24 (institutional provisions); and (9), Chapter 25 (exceptions and general provisions), including on te Tiriti o Waitangi/the Treaty of Waitangi under Article 25.6.

Article 20.5 provides that cooperation between EU and Aotearoa New Zealand will occur through the partnership agreement, on agreed terms for each activity, and within available resources. Cooperation may include Aotearoa New Zealand collaborating with Māori to: (1) enhance the ability of Māori enterprises to benefit from the NZ-EU FTA; (2) developing links between Union and Māori enterprises; (3) support science, research, and innovation links between Union and Māori communities; and (4) cooperating on geographical indications.

Article 20.6 sets out institutional mechanisms, which includes forming a Trade Committee to facilitate implementation of Chapter 20, as per Article 24.2(1), point (b). Domestic advisory committees will also be formed to advise the EU and Aotearoa New Zealand and make recommendations on the chapter. A civil society forum will be formed comprising representatives from civil organisations from the EU and Aotearoa New Zealand to discuss Chapter 20’s implementation, as per Article 24.7. A joint committee shall monitor the relationship between the EU and Aotearoa New Zealand and discuss common interests as per Article 53.1. Article 20.7 states that Chapter 26 (dispute settlement) “does not apply to this Chapter” (European Union & New Zealand Government, 2022, p. 421).

4.4 Government frameworks for assessing trade policy

Outcomes for Māori in the NZ-EU FTA have been assessed implicitly and explicitly by at least three categories of framework. They include government frameworks, Māori and te Tiriti o Waitangi frameworks; and economic and social frameworks, each having their own foundation, aims, leverage, and efficacy. In this section of whai hua, two relevant government frameworks are: (1) the Trade for All agenda, whose principles are outlined in the advisory board’s report, which have as their focus ensuring trade is sustainable, inclusive and widely beneficial beyond the economic interests of large employers engaged in trade (Trade for All Advisory Board, 2019); and (2) the Living Standards Framework, which the Treasury has developed to reorient economic policy and measures toward intergenerational wellbeing (Treasury, 2018a, 2021b), with parallel development of He Ara Waiora as a Māori framework of wellbeing (Treasury, 2021a).

Trade for All Advisory Board (2019) principles relevant to this assessment follow:

- Open conversation with the public and key stakeholders including Māori
- Creating new and more sustainable economic opportunities
- Fit-for-the-future, rule-based trade, through the World Trade Organization

- Supporting multilateral negotiations as a first-bet option for Aotearoa New Zealand
- Enhancing Aotearoa New Zealand’s economic integration with the Asia-Pacific region
- Supporting trade policy to maximise opportunities and minimise global risks
- Developing specific directives for future trade policies and negotiations
- Supporting social, economic, cultural, and environmental objectives
- Support treaty partnerships with Māori
- Be evidence based and developed transparently
- Preserving the right to regulate on key policies
- Supporting export firm growth
- Evaluating trade policy success.

The Living Standards Framework has evolved from its focus on four dimensions of wellbeing (Treasury, 2018b) to three levels, to better integrate te ao Māori, Pacific, and children’s wellbeing frameworks, as well as collective wellbeing, the roles of institutions, and the role of culture (Treasury, 2021b). The framework and additional wellbeing indicators were used to underpin the government’s first wellbeing report (Treasury, 2022). In that report, wellbeing refers “to what it means for our lives to go well,” which encompasses material prosperity, health, and relationships (Treasury, 2022, p. 6). While Māori cultural wellbeing is improving, Treasury (2022) identifies that “Māori experience lower wellbeing on average ... [in terms of] income, material hardship, health, and housing,” with declining literacy levels among young people and climate change significant risks to future wellbeing (p. 7). A relevant question for this assessment is how the NZ-EU FTA improves Māori wellbeing?

4.5 Tiriti o Waitangi and Māori trade assessments

Te Taumata and Māori trade

In 2019, Te Taumata, the Māori Trade Advisory Board, was formed through a memorandum of understanding with Manatū Aorere, with the aim of working together on Māori priorities in trade policy (Te Taumata & Manatū Aorere, 2019). Under the memorandum, Te Taumata agrees to assist Manatū Aorere to identify and understand Māori interests and priorities in trade negotiations, how Wai 262 interests are affected, and helping the ministry understand and apply mātauranga Māori. The parties accept under the memorandum that te Tiriti o Waitangi is Aotearoa New Zealand’s founding constitutional document, which affirms rangatiratanga of Māori and kāwanatanga of the Crown, and a continuing relationship between the treaty partners. Te Taumata has engaged widely with Māori on trade, which has informed its advice on the NZ-UK FTA and NZ-EU FTA, as well as its role in Te Rangitūkupu, a partnership-based group introduced for APEC 2021 (Te Taumata, 2020, 2022a, 2022b, 2023).

A review of Te Taumata literature indicates that its principles are based on the treaty partners—Māori and the Crown—acting reasonably and in good faith to maximise opportunities for Māori in trade while protecting Māori rights and interests, including cultural and intellectual property rights, and development rights in terms of human capital, science, and innovation, and Māori-led, and culture-informed approaches to trade relationships, trade policy, and trade outcome. Te Rangitūkupu was a partnership arrangement established by Māori and the Crown to facilitate Māori input into the hosting of APEC 2021. Under the memorandum, which was used to constitute Te Rangitūkupu as a collective of eight Māori

entities, kaupapa Māori principles are set out, which reflect the Ngā Toki Whakarururanga treaty-based framework of which Te Taumata was part (Mika, 2022). Essentially, the principles view te Tiriti o Waitangi as a relationship of equals, where Māori and the Crown have separate and enduring authority over their respective peoples, rights and interests (Te Rangitūkupu & Manatū Aorere, 2021).

Ngā Toki Whakarururanga and Māori trade

On 21 December 2020, it was announced that Ngā Toki Whakarururanga had been formed through a mediated settlement between claimants and the Crown following a Waitangi Tribunal claim (Wai 2522) on the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) (Waitangi Tribunal Claimants & Manatū Aorere, 2020). An expectation of the agreement was that the group would “enable effective Māori influence on trade negotiations” (Waitangi Tribunal Claimants & Manatū Aorere, 2020, p. 1). The Tiriti o Waitangi and tikanga Māori based framework of Ngā Toki Whakarururanga is outlined in the mediation agreement between claimants and Manatū Aorere, which is attached at Appendix II of the Waitangi Tribunal’s report (Wai 2522) (Waitangi Tribunal, 2023). The agreement reflects an expectation that a “mana-enhancing relationship” will be formed between claimants and Manatū Aorere consistent with the treaty principle of active protection (Waitangi Tribunal, 2023, p. 207). Active protection for Ngā Toki Whakarururanga means that Māori must have the right and the ability to protect Māori treaty rights in trade policy if their right to exercise rangatiratanga under te Tiriti o Waitangi and tikanga Māori is to be affirmed.

Ngā Toki Whakarururanga have used their Tiriti o Waitangi framework to assess outcomes for Māori in the NZ-UK FTA, NZ-EU FTA, and in APEC (Ngā Toki Whakarururanga, 2022a, 2022b, 2022c). Their framework emphasises the Crown’s obligations to Māori under the ‘four articles’ of te Tiriti o Waitangi: article one—kāwanatanga: Crown authority for governance; article two—tino rangatiratanga: Māori authority over Māori affairs and resources; article three—ōritetanga: parity and equity in the rights between Māori and Crown people; and article four—an unwritten undertaking to actively protect Māori beliefs, faiths, and laws. The Ngā Toki Whakarururanga interpretation of te Tiriti o Waitangi is consistent with Waitangi Tribunal findings on Wai 1040, which found, among other things, that Māori are unlikely to have ceded sovereignty at the signing of the treaty given that He Whakaputanga o te Rangatiratanga o Nu Tireni had earlier recognised Māori sovereignty (Coxhead et al., 2022; Coxhead et al., 2014).

In their initial assessment of the NZ-EU FTA, Ngā Toki Whakarururanga states that it falls short of the Crown’s obligations under te Tiriti o Waitangi (Radio Waatea, 2022). Ngā Toki Whakarururanga (2022a) argued that Māori interests in the NZ-EU FTA will be traded off against the Crown’s priorities, as happened with the NZ-UK FTA. Ngā Toki Whakarururanga co-convenor Moana Maniapoto argued that secrecy obligations restrict it from consulting with Māori on their rights and interests and it can only influence at the margins of a set template (Radio Waatea, 2022). Ngā Toki Whakarururanga (2022a) completed a tiriti-based review of the NZ-EU FTA and concluded that parts of the NZ-EU FTA are better than earlier ones and other parts are worse. The Crown is yet to negotiate a tiriti-based trade agreement that maintains the mana of rangatira (the authority of tribal chiefs) that is truly transformative.

The NZ-EU FTA does not address the climate crisis, there is no effective protection for te tiriti as it relates to te taiao (the environment); Māori knowledge and practices are important to conservation and biodiversity, but no effective protections are provided, and there is no role for Māori in its governance. The Māori trade and economic cooperation chapter in which the EU acknowledges te tiriti/the treaty (Dixon, 2022) is to be implemented in a manner consistent with te tiriti and tikanga (Ngā Toki Whakarururanga, 2022a). Ngā Toki Whakarururanga (2022a), however, identify several potential limitations with the Māori trade chapter, arguing that Māori and other stakeholders be invited to participate, the NZ-EU FTA has no sub-committee for the chapter, and that Māori only have a voice through a domestic advisory group and civil society forum.

A key advisor for Ngā Toki Whakarururanga, Kelsey (2022) states that the “business community has quickly debunked claims of a bonanza from market access to the European Union and highlighted the potentially huge impacts of geographic indications” (p. 1). Concern was raised that the NZ-EU FTA imposes restrictions that go further than the CPTPP. On the Māori trade and economic cooperation chapter, Kelsey (2022) states that it “appears to be modelled on the UK chapter, which is unenforceable, is only about ‘cooperation’ and doesn’t require any commitment or resources on the part of the parties to do anything” (p. 1).

In their final Tiriti o Waitangi-based assessment, Ngā Toki Whakarururanga (2023) deliver a comprehensive analysis of the NZ-EU FTA, with recommendations that aim to advance and protect Māori interests in trade policy as per their mandate under the mediated agreement with the Crown (Waitangi Tribunal, 2023). While there is still much for the Crown to do, there were signs of progress. For example, in relation to Chapter 12, which deals with digital trade, Ngā Toki Whakarururanga (2023) found that its scope was “a major achievement arising from Māori pressure on the Crown during and following the Wai 2522 finding” (p. 25). The assessment further suggests that as treaty partners, Māori and the Crown must work together as equals from the point at which mandates to negotiate international treaties are contemplated. Ngā Toki Whakarururanga also stresses that Māori ought to be at the table during negotiations and to review text before FTAs are signed to guard against treaty breaches, which the Crown itself is anxious to avoid (Webster, 2019). They also find that the treaty exception is inadequate to protect Māori rights and interests, with reference made to Kawharu (2020) who provides a critical analysis of such clauses.

Other assessments of the NZ-EU FTA have stressed the need to understand te ao Māori and its offering to the world in the context of free trade agreements (Mellor, 2021), while understanding the importance of other forms of capital (beyond financial) to measure the impact of free trade agreements (Te Puni Kōkiri & Treasury, 2019; Treasury, 2018a). The Ngā Toki Whakarururanga assessment provides an analysis that is much needed (Walmsley et al., 2022b), through a te tiriti analysis of the impact on tāngata whenua, hapū, iwi Māori, mātauranga Māori, taonga Māori, and te taiao (the environment). Schulze and Reid (2019) argue that emphasising the treaty is important, but to understand its principles and how they are applied requires genuine partnership with Māori. Thus, if te Tiriti o Waitangi is a constitutional document of national importance, the Ngā Toki Whakarururanga assessment and its recommendations must be given due attention because it is written from a perspective of partnership where the rangatiratanga of the Māori people is preserved and commensurate with its treaty partner as equals.

Māori cultural and intellectual property protection

Māori rights and interests, including human rights, Indigenous rights, cultural rights, and intellectual property rights are frequent topics in documents on the NZ-EU FTA. Arguments on the NZ-EU FTA are varied, complex, and interwoven with other considerations such as the Treasury's wellbeing framework (Treasury, 2022) and the meaning and effect of te Tiriti o Waitangi (Coxhead et al., 2022; Ngā Toki Whakarururanga, 2022a; Waitangi Tribunal, 2016b). A European Commission engaged consulting firm, BKP Economic Advisors (2020), for example, found that the impact of the NZ-EU FTA on Indigenous rights needs more in-depth analysis, including Indigenous peoples' business and human rights on territorial lands. Some sector gains and losses also lead to broader impacts on human rights, for example, affecting sectors that actively employ Māori and Pacific people (European Commission, 2020).

The NZ-EU FTA creates obligations on Aotearoa New Zealand that impact on Māori rights, interests, duties, and responsibilities under te Tiriti o Waitangi (Ngā Toki Whakarururanga, 2022a). For Māori businesses, cultural elements, including visual devices, kupu (words), intellectual property (IP), mātauranga Māori, and taonga species are key parts of te ao Māori and these need to be more strongly protected and supported (Schulze & Reid, 2019). That means seeking active cooperation through the right instrument in the NZ-EU FTA around traditional knowledge protection and addressing misappropriation, and offensive and derogatory use in the EU. Securing protections in the NZ-EU FTA could be limited where Aotearoa New Zealand has yet to fully develop its domestic policy position or appropriate protection mechanisms to address Māori intellectual property concerns (Schulze & Reid, 2019). Ngā Toki Whakarururanga (2022a) agree that Aotearoa New Zealand needs a domestic regime to protect mātauranga Māori and taonga works and minimum standards of protection in FTAs. Appropriate protections for Māori cultural and intellectual property is complicated by Te Pae Tawhiti, the whole-of-government response to the Wai 262 claim (Williams et al., 2011a, 2011b), still being far from developing into tiriti-based domestic regime (Te Puni Kōkiri, 2020).

There have been mixed reactions from Māori regarding intellectual property rights. Te Taumata (2023) identify the inclusion of an Indigenous chapter and protection of Māori intellectual property rights as ground-breaking and a key benefit of the NZ-EU FTA. The National Māori Authority (2022) also believe that the geographical indications (GI) provide an opportunity for Māori food and beverage producers to develop and leverage their own intellectual property for quality Aotearoa New Zealand exports to the EU. Whilst the NZ-EU FTA guarantees the EU stronger intellectual property rights, including plant varieties, there are no real protections for associated te tiriti rights, for example, no protection for the haka Ka Mate or other taonga, and tariff cuts for mānuka honey, but no protection for the name itself, just a future possibility (Ngā Toki Whakarururanga, 2022a).

Geographical indications

A geographical indication is an indication which identifies a good as originating in a particular territory, or a regional locality in that territory, with a given quality, reputation or other characteristic (Schulze & Reid, 2019). It is a key feature of the NZ-EU FTA and is also widely spoken about in the literature. The expansion of GIs could lead to positive impacts in protecting the cultural heritage behind a brand, preserving the traditional quality of products,

and affecting positively the right to take part in cultural life, in particular for Māori (European Commission, 2020), such as the ability to protect te reo Māori names for products (Dixon, 2022). Although there is opportunity for Aotearoa New Zealand products to branch out and benefit from GI protection, it is also clear that such protection would be detrimental to other producers and their products (McLellan, 2019). An appropriate balance to GI protection must, therefore, be struck between the economic benefits and costs of protecting GIs, to ensure sufficient protection against unfair competition and misappropriation without imposing undue restrictions which would undermine the functioning of a competitive market (McLellan, 2019).

MBIE and MFAT (2019) sought to understand the views of Māori as treaty partners in relation to the potential benefits of an expanded GI framework as well as any costs or risks. They illustrate how the intellectual property system protects mātauranga Māori, taonga works and kaitiaki (guardianship) relationships with these elements (Williams et al., 2011a, 2011b). While the tribunal's Wai 262 report recommended a set of mechanisms for protecting the kaitiaki interest in taonga works and mātauranga Māori, no recommendations on GIs were made. The tribunal did, however, note GIs at best only provide an indirect mechanism to protect any kaitiaki relationship associated with place names and products.

4.6 Economic assessments of the NZ-EU FTA

Dynamic computable general equilibrium modelling

Economic analyses are typically conducted to ascertain the economic costs and benefits of the NZ-EU FTAs before and after they are implemented. An established technique is dynamic computable general equilibrium (CGE) modelling, which combines economic theory and global trade data flows to model the effects of trade policy (Hertel, 2012). Walmsley et al. (2022a, 2022b) use this approach in their modelling of the economic effects of NZ-UK FTA and the NZ-EU FTA, which is indicated by changes in real GDP, export volumes and revenues to the year 2035. Whai rawa further discusses this approach. A limitation of CGE modelling is that it does not account for Māori outcomes because Māori enterprise and trade data is not discernible. This is inconsistent with the Trade for All agenda because it does not show how Māori enterprise are affected by the NZ-EU FTA or Māori families benefit from it. Moreover, the Crown's obligation to Māori under the treaty is for active protection and equity of outcome and opportunity, but this is difficult to ascertain from the CGE modelling. Schulze and Reid (2019) are an exception, providing economic analysis using Māori trade data.

BERL economic analysis

Schulze and Reid (2019) use Stats NZ data to analyse the impact of the NZ-EU FTA for Māori, building on their firm's earlier analyses of Māori exporting in relation to other agreements (Nana, 2013; Schulze & Sanderson, 2018; Schulze & Stokes, 2013). A broad definition of the Māori economy is used, consisting of the Māori population, Māori enterprises, and Māori land. Primary sector production (\$1.8b), manufacturing (\$1.3b), equipment hire and property services (\$1.3b), and business services (\$1.1b) comprise the largest economic sectors of this Indigenous economy. Total Māori exports are estimated to be \$3.4 billion or 5.6 percent of the country's total exports (Schulze & Reid, 2019). Māori meat and dairy exports mostly run through mainstream enterprise export channels. In 2015, Māori authorities (trusts and

incorporations), “exported goods worth \$485m to 65 countries,” compared to \$44 million in exports for Māori small-to-medium enterprises (SMEs) (Schulze & Reid, 2019). Total goods exports to the EU are worth \$5.5 billion and services \$4.9 billion, with wine, fruit and meat the core products. Tourism and transportation dominate service exports to the EU. In 2018, Aotearoa New Zealand imported \$5.6 billion in services and \$11 billion in goods from the EU.

Schulze and Reid (2019) found that Māori exporters were positive about the European market and the potential for lower tariffs and increased access. The EU presents a major opportunity for Māori enterprises because of its size and premium value. This requires a focus on branding and differentiation using cultural attributes, which are forms of intellectual property that must be protected (Schulze & Reid, 2019). Due to the complexity of protecting taonga works and species, such as the commercial notion of intellectual property not being able to accommodate distinctive features of traditional knowledge and cultural expression, Schulze and Reid (2019) propose the exploration of alternatives. This could include a chapter for active cooperation on misappropriation of Māori intellectual property, a memorandum of understanding on cultural elements, or even a nonbinding declaration for member states. These suggestions are in addition to the MBIE review of the Copyright Act 1994, and work to identify a strategy for integrating future domestic provisions into FTAs where appropriate (for example, the Ka Mate Attribution Act 2014, Ngai Tahu Claims Settlement Act, and UNDRIP).

A limitation of their analysis is, however, that Schulze and Reid (2019) relies on Stats NZ data on the Māori economy, which neither captures all Māori enterprises (Stats NZ, 2022) nor broader measures of Māori wellbeing indicated in the Living Standards Framework and He Ara Waiora (Treasury, 2021a). Mellor (2021) and BKP Economic Advisors (2020) introduce frameworks that attempt to expand the range of factors that are used to assess trade policy, including ethnicity, sustainability, and wellbeing, to better account for the effects of trade.

A sustainable framework

Mellor (2021) applies the Productive, Sustainable, and Inclusive Trade Channel (PSITC) framework as an analytical tool for thinking through complex trade issues. The PSITC framework helps assess complex impacts from trade on “productive, sustainable and inclusive outcomes,” where the benefits and costs are “unevenly distributed across society” (Mellor, 2021, p. 3). The PSITC framework is based on the standard model of a small, open economy comprising the following elements: “households, whānau and hapū; the environment; domestic firms; foreign firms and households; government and civil institutions; and the financial sector” (Mellor, 2021, p. 3). The framework links to the Living Standards Framework, allowing distributional impacts for households, whānau, hapū and local firms to be considered. The framework includes the Organisation for Economic Co-operation and Development (OECD) trade and gender framework to account for differences in impacts for men and women as employers, employees and consumers (Korinek et al., 2021). The OECD framework is extended to include ethnicity, thus allowing impacts for Māori as employers, employees and consumers to be considered (Korinek et al., 2022). Environmental effects of trade are measured in terms of their scale (increase in economic activity affects the environment), composition (effects by industry), and income (rising incomes change preferences). The effects of international agreements like the Paris Agreement on firm behaviour, comparative advantage, and efficiency of trade are also included (UN, 2020).

Mellor (2021) argues that te ao Māori and the Treaty of Waitangi are sources of comparative advantage where these factors affect trade policy, but the reverse is not always true. Te ao Māori consisting of the Māori world view, language, culture, and values is the “unique part of our country’s offering to the world” (Trade for All Advisory Board, 2019, p. 80, cited in Mellor, 2021, p. 17). Some firms are engaging in trade because of treaty settlements; however, Māori are expected to face worse outcomes as a result of Covid-19 and the Māori economy’s exposure to global decline because of a predominance in primary industries and tourism.

An integrated framework

The BKP Economic Advisors (2020) use an integrated framework to assess the impact of the NZ-EU FTA based on four pillars of sustainability—economic, social, human rights, and the environment. The Mellor framework identifies issues but not measures, while the BKP analysis uses socioeconomic data to infer outcomes for Māori. They characterise Aotearoa New Zealand’s trade and investment relationship with the EU as “relatively low tariff and non-tariff barriers on average, but with peaks for certain products and regulations” (BKP Economic Advisors, 2020, p. v). BKP Economic Advisors (2020) identify a range of possible outcomes for Māori based on socioeconomic indicators, which are summarised in Table 4.

Table 4 Māori socioeconomic indicators

Category	Socioeconomic indicators
<p>Employment gains in sectors which are big employers of Māori may be negated by Māori in unemployment and participation in low skilled jobs.</p>	<ul style="list-style-type: none"> • In 2018, Māori unemployment was 6.2-8.5 percent (compared to 3.8 percent overall), and employment of 61.1-63.3 percent (compared to 68.3 percent overall) (p. 35) • High unemployment for Māori and inequality for Māori in the labour market are disadvantages for Māori and their right to work (p. 74) • Highly skilled workers enjoyed employment rates of 87.5 percent in 2015 compared to 69.1 percent for low skilled (p. 35) • Dairy is a significant sector, with Māori owning 10 percent of the assets in a sector that employed 46,000 people in 2019 (p. 121)
<p>Disparities in poverty among Māori families may limit access to FTA benefits</p>	<ul style="list-style-type: none"> • In 2016, 32 percent of Māori and 40 percent of Pacific people lived in poverty compared to 15 percent of the New Zealand population overall (pp. 35-36) • Most at-risk populations in Aotearoa New Zealand were identified as beneficiaries, children, particularly those with disabilities, and single parent households (p. 36) • In 2013, 25 percent of Māori children lived in crowded houses compared to 15.9 percent of Aotearoa New Zealand children overall, and 43 percent of Pacific children (p. 47)

Educational achievement affected by socioeconomic status	<ul style="list-style-type: none"> • Socioeconomic background of students affects educational performance, with policies focused on addressing Māori and Pacific student performance and retention (p. 48)
Sustainability concepts of Māori business	<ul style="list-style-type: none"> • Māori concepts of “business assuming sustainability of people and the planet as a profit driver” are being recognised as part of frameworks for corporate social responsibility (p. 51)
Vulnerable groups at-risk of exclusion	<ul style="list-style-type: none"> • Māori, women, and other groups, including beneficiaries are more at-risk of not benefitting from trade agreements where social transfers do not increase (p. 57) • Aotearoa New Zealand’s human rights record is strong, but concerns are found in the rights of children, violence against women and children, and high Māori incarceration rates (p. 59)
Constitutional status diminished by vulnerabilities and status of the treaty	<ul style="list-style-type: none"> • The Treaty of Waitangi is a founding document. While not part of legislation, it does recognise Māori self-determination and the duty to consult Māori (p. 59) • Indigenous rights could be affected if sectors that employ Māori and Pacific people suffer from pre-existing vulnerabilities (p. 75)
Intellectual property rights have potential and risks	<ul style="list-style-type: none"> • Geographical indications could protect cultural heritage behind a brand and the right to cultural participation for Māori and allowing farmers to brand their products (p. 68)
Health outcomes affected by lower life expectancy	<ul style="list-style-type: none"> • While life expectancy is relatively high (83.4 years for women, 80 years for men), Māori life expectancy is 7.3 years lower for men and 6.8 years lower for women (p. 81) • High incidence of disease risk, inequity of access to health care and medicines, and social determinants of health affect Māori (pp. 81-82)

Source: BKP Economic Advisors (2020)

While the NZ-EU FTA is expected to be economically beneficial, BKP Economic Advisors (2020) argue that negative consequences for Māori and the environment are expected because of the relatively higher exposure to poverty, health inequities, lower socioeconomic conditions, lower employment, lower life expectancy, and insecurity about the treaty (see Table 4). In other words, pre-existing vulnerabilities and barriers to human rights and sustainability for Māori are likely to be exacerbated by the NZ-EU FTA. There is a risk here that the BKP analysis is conflating two principles of trade policy, that domestic policy is not made through FTAs and trade must be broadly inclusive, sustainable, and beneficial under the Trade for All agenda. BKP imply that if the NZ-EU FTA cannot show how existing disadvantage among Māori is improved, then it is assumed their negative socioeconomic status may worsen.

Characteristics of goods exporting firms

Verevis et al. (2022) analyse the characteristics of goods exporting and non-exporting Aotearoa New Zealand firms using Stats NZ longitudinal business and administrative data to support the Trade for All agenda of sustainable and inclusive trade for all New Zealanders. Limitations of the analysis include an inability to quantify distributional benefits across different groups and the exclusion of service exports from the dataset because the data relies on customs entries for goods exports. While these are significant limitations, they can be addressed. Ethnicity is applied allowing use of Māori firm-level data. In 2018, of the one million firms on the Stats NZ business register, 12,800 firms lodged goods export entries totalling \$53 billion across 9,837 product lines (Verevis et al., 2022). Verevis et al. (2022) further reduce the subset of firms by including only firms for which employment data was available, excluding firms for which exporting was a small part of their sales, and they include firms that are in agriculture, forestry and fishing as 'indirect exporters' because a high proportion of their sales comes from exports.

The main finding is that "Māori are underrepresented as leaders and owners of exporting firms, and tend to experience smaller productivity and earnings benefits from exporting than non-Māori led and owned firms" (Verevis et al., 2022, p. 39). Ethnicity analysis in the data according to Verevis et al. (2022) shows:

- Māori and Pacific employees in goods exporting firms were slightly higher than proportions in non-exporting Aotearoa New Zealand firms (but differences are small)
- About one-third of Māori workers were employed in agriculture, forestry, and fishing exporting firms, compared to 23% of Pākehā workers, and 18% of Pacific workers
- More Māori work in small-to-medium enterprise exporters than larger exporters
- Māori workers in goods exporting firms earn on average 12% more than those in non-exporting firms, compared to 18% more for Pākehā.
- A higher proportion of Māori were in the leadership groups (5% of highest paid workers) of exporting firms than non-exporting firms
- Māori-led export firms derive a higher proportion of sales from exports (39%) than non-exporting Māori-led firms, but Māori exporting firms experienced smaller sales earnings and productivity gains relative to Pākehā-led goods exporting firms.

A proxy is used to indicate Māori leadership in goods exporting firms based on two assumptions: first, 5% of the highest paid employees are assumed to be the firm's leaders; second, firms are classified as Māori-led "if Māori represented more than half of the firm's highest paid employees" (Verevis et al., 2022, p. 47). Using this definition of Māori enterprise leadership and employment data for 10,500 goods exporting firms, Verevis et al. (2022) found that 12% of firms were Māori-led compared to 9% of non-exporting Māori-led firms. They also report that Māori comprise 16% of the 580,000 employees in goods exporting firms (92,800 workers).

Assessing Māori economic outcomes

The opportunity for Māori in the NZ-EU FTA with the EU is immense because it has the potential to fulfil aspirations to share in the expanding two-way trade, which currently sits at more than \$17 billion per annum (National Māori Authority, 2022). Whilst Māori are prevalent

in the primary sector (Verevis et al., 2022), Ngā Toki Whakarururanga (2022a) argue that gains for Māori exporters “will be part of limited gains in sectors where Māori are strong, like kiwifruit, fish, wine, and honey” (p. 15). Ngā Toki Whakarururanga (2022a), who use a tiriti-based framework for analysis, argue that the gains are a “drop in the bucket,” with Manatū Aorere announcing “gains for all exports at NZ\$1.4 billion to Gross Domestic Product (GDP) in 15 years’ time – but that GDP in 2021 was \$250 billion” (p. 15). NZTE (2022b) report the figures differently, stating that “by 2035 the NZ-EU FTA could increase exports to the EU by up to \$1.8 billion per year and generate an extra \$1.4 billion to Aotearoa New Zealand’s GDP per year” (p. 1).

There are market trade opportunities for Māori small-to-medium enterprises (SMEs), with SMEs the dominant form of Māori enterprise (Te Puni Kōkiri, 2022). Schulze and Reid (2019) argue that larger Māori businesses are positive about the potential for tariff reductions and access improvements, and can manage being in market with lower tariffs. Further support is, however, needed for SMEs. Ngā Toki Whakarururanga (2022a) believe that the promises of cooperation to support wāhine Māori and small business could be helpful, but such provisions are “unenforceable” (p. 9).

The NZ-EU FTA includes new cross-cutting language that is aligned with te Tiriti o Waitangi exception, which makes it clear that Aotearoa New Zealand has reserved the right to adopt or maintain measures to protect Māori rights, interests and duties, and responsibilities (National Māori Authority, 2022). There are also outcomes for traditional knowledge and approaches, acknowledging the vital role Indigenous people play in achieving sustainable food systems globally, and sustainable development generally, including new and stronger commitments to climate action (National Māori Authority, 2022).

Trade and other forms of international engagement often provide aggregate economic and other benefits (Mellor, 2021). Mellor (2021) argues that engaging with the world can have associated environmental, social, and other costs, which together with the benefits of trade, are unevenly distributed across society. Focusing on social capital and the potential of the NZ-EU FTA to address social inequities is a key theme of these analyses. The Living Standards Framework provides a tool to assist in measuring the impact of the NZ-EU FTA on Māori (Te Puni Kōkiri & Treasury, 2019; Treasury, 2018a). Mellor (2021) stresses the importance of understanding te ao Māori and its contribution to Aotearoa New Zealand’s offering to the world, thus contributing to the country’s social, cultural, and economic capital.

Te ao Māori, especially its values such as manaakitanga (care), whanaungatanga (connectedness), kotahitanga (unity), and kaitiakitanga (stewardship) can have a strong bearing on the nature of trade and trading relationships, as well as business practices more generally (Dell et al., 2022). Socioeconomically, however, Māori remain overrepresented in unemployment, are disproportionately affected by child poverty, and housing deprivation (Rua et al., 2019). BKP Economic Advisors (2020) argue these outcomes are more emphatic for at-risk Māori groups including beneficiaries, children, children with disabilities, and single parent households. It is rather unlikely that the NZ-EU FTA has a direct impact on the number of jobs available to young persons or the percentage of working youth. The NZ-EU FTA may, however, have an indirect impact on their economic welfare through impacts on jobs available to their parents or other household members. Furthermore, supporting parents’ access and

or return to the labour market, training and skills development are some of the policy responses to reduce child poverty, which the NZ-EU FTA could help address. Overall, the BKP Economic Advisors (2020), conclude that a mixed impact on employment in Aotearoa New Zealand across sectors and a limited positive impact on real wages are expected from the NZ-EU FTA, but the estimated differences are too small to bring about a reduction in inequality.

4.7 Māori engagement on the NZ-EU FTA

A key undertaking in the NZ-EU FTA process is emphasising the principles of the treaty and the desire of the Crown to work in genuine partnership with Māori (Schulze & Reid, 2019). More importantly, as a country, we cannot assume that the EU have a full understanding of the Māori economy, therefore, engagement with Māori is vital. This is inconsistent with what other Māori groups are saying, with Te Taumata (2023) being at the forefront of negotiations ensuring Māori had a strong voice and that Māori interests and priorities were understood and advocated. The National Māori Authority (2022) too have applauded the work of Manatū Aorere to advance Aotearoa New Zealand interests, illustrating that the negotiations are what true partnership looks like.

Just prior to the NZ-EU FTA being concluded, Aotearoa New Zealand's chief negotiator provided an update to ministers on the NZ-EU FTA trade negotiations in June 2022. Vitalis (2022) states that there is good and growing level of engagement with treaty partners, including for the first time, sharing of the full draft negotiating text and new proposals in some areas. For the EU, however, some of the new proposals, as well as the already agreed Treaty of Waitangi exception, are very challenging. There is an expectation that some treaty partners will regard what is secured in the NZ-EU FTA as insufficient, with the EU possibly seeing Indigenous issues as an obstacle to conclusion. Vitalis reiterated officials' commitment to achieve the best possible outcomes for Aotearoa New Zealand.

After the Māori trade and economic cooperation chapter and other elements in the NZ-UK FTA were negotiated, there have been increasing treaty partner expectations for a similar process and outcome with the EU (Horne, 2022). MFAT had developed with treaty partner representative groups a proposed Joint Declaration on Indigenous Peoples' Trade and Economic Cooperation between New Zealand and the EU. Drawing on feedback from previous FTAs, officials engaged treaty partners from the outset, developing an engagement approach reflecting Māori expectations. Treaty partners, including Ngā Toki Whakarururanga, Te Taumata, Federation of Māori Authorities (FOMA), and the National Iwi Chairs Forum, were invited to draft the initial proposed text, with some providing input and feedback, to ensure their interests and expectations were reflected. However, some treaty partners may find that the engagement process and outcomes falls short of their expectations.

Manatū Aorere outline various hui that were held with Māori to discuss the NZ-EU FTA, one of which was attended by key Māori exporters, Te Puni Kōkiri, and MBIE, with FOMA chairing (Schulze & Reid, 2019). The attendees, however, noted that it is essential to have appropriately qualified people working within government to deal with Māori concerns in FTAs. They recommended such people be able to speak to economic, business, and legal concerns, have a broader skill base than an understanding of tikanga, and provide crucial links to domestic policy issues. Regular and focused engagement with Te Taumata, Ngā Toki Whakarururanga, National Iwi Chairs Forum, and FOMA, as well as a range of broad public engagements, have

taken place (Manatū Aorere, 2022b). Māori engagement is important in FTA implementation too, as it includes new mechanisms for public consultation and engagement on matters related to the implementation of the agreement, including the creation of a domestic advisory group and a civil society forum, both of which provide for Māori representation.

Consultation is a key consideration under any new significant international treaty and must be accompanied by an NIA (NZHR, 2020). The NIA must address various requirements, including the economic, social, cultural, and environmental effects of the treaty entering into force for Aotearoa New Zealand (NZHR, 2020). At times, there are also reasons for Aotearoa New Zealand to become part of an international treaty (Lawler, 2014). An international treaties list is emailed every six months to almost 150 groups representing Māori interests, including iwi and their rohe, hapū, marae, and organisations (Manatū Aorere, 2018b). There are, however, no specific requirements to include in the NIA the Treaty of Waitangi or anything related to Māori people, interests, and rights. The closest clause addressing this is the inclusion of a statement setting out the consultations which have been undertaken or are proposed with the community and interested parties in respect of the international treaty (NZHR, 2020).

4.8 Advantages and disadvantages of NZ-EU FTA for Māori

Actual and potential advantages and disadvantages of NZ-EU FTA for Māori are summarised in Table 5. On balance, there are both benefits and consequences of the NZ-EU FTA depending on the sector, business type, and group being considered, including Māori. As Manatū Aorere (2022a) argue, the overall impact of the NZ-EU FTA on the New Zealand economy will be a result of the complex interaction of the different aspects of the agreement itself.

Table 5 Perceived advantages and disadvantages of the NZ-EU FTA for Māori

Advantages	Disadvantages
<p>Economic</p> <ul style="list-style-type: none"> • Tariffs reductions and access improvements, including tariffs eliminated for mānuka honey • Share in the two-way trade (sitting at more than NZ\$17 billion per annum) • Market trade opportunities for Māori SMEs • Inclusion of a Māori trade and economic cooperation chapter 	<p>Economic</p> <ul style="list-style-type: none"> • No immediate protection for the name mānuka honey • More support needed for SMEs if they are to compete on a larger scale with firms exporting into the EU from elsewhere • Some say the Māori trade and economic cooperation chapter content is symbolic without enforceability, funding, or a responsible sub-committee
<p>Tiriti o Waitangi / Treaty of Waitangi</p> <ul style="list-style-type: none"> • Cross cutting language aligned and acknowledging te tiriti, making it clear that Aotearoa New Zealand has reserved the right to adopt or 	<p>Tiriti o Waitangi / Treaty of Waitangi</p> <ul style="list-style-type: none"> • No real protections for tiriti rights from intellectual property rights, apart from plant variety rights

Advantages	Disadvantages
<p>maintain measures to protect Māori rights, interests and duties, and responsibilities</p> <ul style="list-style-type: none"> • Tiriti o Waitangi exception clause, which protects the New Zealand government’s ability to adopt policies it considers necessary to fulfil its obligations to Māori 	<ul style="list-style-type: none"> • Once the NZ-EU FTA is implemented, there is no room to change its wording • There is a risk that Māori interests will be traded off against the Crown’s other priorities because Māori do not control how Māori provisions in the NZ-EU FTA are activated • No active protection for te tiriti as it relates to te taiao, with the NZ-EU FTA not addressing the climate crisis
<p>Intellectual property rights</p> <ul style="list-style-type: none"> • Inclusion of an Indigenous chapter and protection of Māori intellectual property rights groundbreaking and a benefit of the NZ-EU FTA • Geographic indication provides opportunity for Māori food and beverage producers to develop and leverage their own GIs • Opportunity for Aotearoa New Zealand products to use and benefit from GI protection for products, which originate from here • Recognition of the value of traditional knowledge in Indigenous approaches to sustainable development and additional protection needed beyond intellectual property regimes 	<p>Intellectual property rights</p> <ul style="list-style-type: none"> • Better protection required in the NZ-EU FTA • Indigenous rights need to be studied in more depth, as the EU seeks to engage with Indigenous peoples in other parts of the world using this • Securing protections around rights could be limited because it is yet to be fully developed domestically. A domestic regime is needed • GI protection would be detrimental to other producers and their products. An appropriate balance to GI protection must be struck between economic benefits and costs of protecting GIs • Exceptions and exclusions for mātauranga Māori, data, and digital trade may not meet the active protection standard
<p>Social</p> <ul style="list-style-type: none"> • Gender equality, cooperative focus on wāhine Māori • Living standards promoted to be important in the NZ-EU FTA negotiations, especially in terms of measuring impact of the NZ-EU FTA on Māori • Wages are expected to remain equal (for the EU) or increase (for 	<p>Social</p> <ul style="list-style-type: none"> • Māori may be negatively impacted due to higher exposure to poverty, health inequities, lower socioeconomic conditions, lower employment, lower life expectancy, and insecurity about the treaty • Promises of cooperation to support wāhine Māori and SMEs could be helpful, but are unenforceable

Advantages	Disadvantages
<p>Aotearoa New Zealand) for both unskilled and skilled workers</p>	<ul style="list-style-type: none"> The estimated economic differences are too small to bring about a reduction in inequity
<p>Governance and engagement</p> <ul style="list-style-type: none"> Māori representation in the NZ-EU FTA implementation via the domestic advisory group Emphasis on the principles of the treaty in order to work in genuine partnership with Māori Various hui with and input by Māori interest groups and Māori attendance 	<p>Governance and engagement</p> <ul style="list-style-type: none"> Assumption that the EU have a full understanding of the Māori economy not well founded, necessitating engagement with Māori The Crown still negotiate the NZ-EU FTA and decide whether and how far to actively protect Māori rights, interests, duties, and responsibilities as per its governance role under te Tiriti but this must be balanced against rangatiratanga and partnership obligations Māori attending hui do not always have the full range of expertise, some are expert in tikanga but may not be able to speak to economic, business, and legal concerns to ensure FTA text reflects Māori rights, interests, and aspirations

5. WHAI RAWA—MĀORI ECONOMIC IMPACT

5.1 Approach to Māori economic assessment

Assessing the effects of the NZ-EU FTA entering into force to the fullest extent applicable is a requirement of the National Interest Analysis (NIA) of any treaty the government is considering entering into with another country under section 406 of the Standing Orders (NZHR, 2020). In this section, whai rawa (Māori economy) assesses the economic impact of the NZ-EU FTA for Māori. It does so by emulating the economic modelling of Walmsley et al. (2022b) to estimate the economic gains for the Māori economy using 2018 data.

5.2 Defining the Māori economy

The Māori economy is broadly defined as the income and assets of Māori enterprises, Māori employees, and housing owned by Māori (NZIER, 2003), which was most recently estimated at NZ\$68.7 billion in 2018 (Nana et al., 2021). The Māori economy is key to the wellbeing of Māori (Nana et al., 2021). While the effect of economic activity on Māori wellbeing increasingly features in Māori economic analyses (Nana et al., 2021), models for measuring wellbeing at national scales are still being developed (Treasury, 2022), as they are for Māori (O'Connell et al., 2018; Waiora Systems, 2022). The living standards framework ensures all four capitals of natural, human, financial, and social are given equal status, attention, and effort (Treasury, 2021b). Social capital is present in the whanaungatanga of communities, and in whānau, hapū, and iwi institutions (Nana et al., 2021; Roskruge, 2019) and is a key theme in this assessment. While social capital may not be captured on balance sheets and in official statistics, social capital is the thread through te ao Māori, making it critical to ensure the smooth functioning of economic activity and delivering wellbeing.

A snapshot of Māori business statistics shows that in 2021, there were 1,227 Māori authorities, employing around 11,100 people (Stats NZ, 2022). Around a quarter of Māori authorities operated in primary industries, with Māori authorities exporting goods worth \$872 million. Exports from Māori authorities continue to grow, with total exports increasing 21 percent from 2020 (Stats NZ, 2022). Verevis et al. (2022) argue that Māori are prevalent in the primary sector, with around a third of Māori workers in goods exporting firms employed in the agriculture, forestry, and fishing industries. Despite this involvement, there exists earning disparities for Māori in large exporting firms, where Māori are underrepresented as leaders and owners of exporting firms, who tend to experience smaller productivity and earnings benefits from exporting than non-Māori led and owned firms (Verevis et al., 2022).

5.3 Assessing national economic interests

Walmsley et al. (2022b) use dynamic CGA analysis to simulate the economic impact of the NZ-EU FTA in terms of real GDP, total exports and exports to the EU to 2035, relative to their full baseline analysis, which runs through to 2040. The model uses three scenarios varying from conservative, to moderate, to ambitious in their estimation of tariff reduction, quota liberalisation, non-tariff measures, and trade facilitation to simulate gains. Walmsley et al. (2022b) find that:

In the first scenario, real GDP is projected to increase by 0.17 percent relative to the 2035 baseline, increasing to 0.24 percent in the second scenario and 0.33 percent in the third. In constant 2019-dollar terms, these increases range from just over NZ\$1b to almost NZ\$2b. (p. vii)

Moreover, Walmsley et al. (2022b) find that “in all scenarios modelled, exports increase across the four aggregate sectors of agriculture, processed foods, manufactures and services. In terms of processed foods, we find exports of beef, dairy and wine to the EU all expand” (p. viii). While the analysis does not single out Māori economic interests or impacts, the Māori economy is predisposed to sectors, in which Walmsley et al. (2022b) expect exports to increase to 2035 when all measures under the NZ-EU FTA in each scenario are expected to be fully implemented; that is, agriculture, processed foods, manufactures, and services (Walmsley et al., 2022b). While imperfect and relatively small, it is possible to identify firm-level data on Māori exporting for inclusion in such modelling (Stats NZ, 2022), which should be requested or become a standard requirement of future NIAs (NZHR, 2020). Importantly, Walmsley et al. (2022b) note several limitations in their analysis: the model is not a cost-benefit analysis; tariffs on EU imports to Aotearoa New Zealand are already low (averaging 2.1% overall) and will reduce to zero under the NZ-EU FTA; and the modelling was prior to the end of negotiations (Walmsley et al., 2022b). Thus, most gains for Aotearoa New Zealand result from tariff reductions, followed by quota expansion, and non-tariff measures, with trade facilitation effects negligible.

5.4 Assessing the economic impact for Māori

Assessing the economic and distributional effects of FTAs is a priority for government, consistent with the Trade for All principle that trade is inclusive and widely beneficial (Trade for All Advisory Board, 2019). This section considers the economic impact of the NZ-EU FTA for Māori using available data and conventional methods appropriate to the scale of the task and the time available. The aim of whai rawa was to estimate the Māori economy’s share of the gains that Walmsley predicts Aotearoa New Zealand is likely to receive as a result of the NZ-EU FTA by 2040. Without access to the underlying data associated with the Māori economy, our approach was to emulate the Walmsley analysis by creating a stochastic model using the Monte Carlo technique. The Monte Carlo technique involves repeating experiments numerous times to produce a probability distribution of outcomes from which scenarios can be assessed (Kroese et al., 2014). The model involved conducting 1,500 iterations to produce a distribution of the economic impacts of the NZ-EU FTA, which was triangular in structure. Table 6 sets out the relative size of each sector in the Māori economy based on the work of Nana et al. (2021) who produced estimates of te ōhanga Māori (the Māori economy) using 2018 data. The worst, best and most likely outcomes could then be discerned from the model.

Table 6 Assumptions about the Māori economy using BERL (2018) data^a

2018 Composition of Māori GDP(P)^b	\$m	%	Trade exposed
Agriculture, forestry, and fishing	\$2,484	14.6%	14.6%
Manufacturing	\$1,895	11.1%	11.1%
Construction	\$1,496	8.8%	..
Wholesale trade	\$598	3.5%	3.5%

2018 Composition of Māori GDP(P)^b	\$m	%	Trade exposed
Retail, accommodation, and food services	\$1,396	8.2%	..
Transport, postal, and warehousing	\$1,097	6.4%	6.4%
Information media, arts, and recreation services	\$698	4.1%	..
Financial and insurance services	\$898	5.3%	..
Real estate and property services	\$2,095	12.3%	..
Professional, scientific, and technical services	\$1,197	7.0%	..
Education and training	\$1,396	8.2%	..
Health care and social assistance	\$798	4.7%	..
Administrative, support, and other services	\$997	5.9%	..
Total	\$17,047	100.0%	35.6%

^a Source: Nana et al. (2021); ^b Production-based GDP

As a proportion of Aotearoa New Zealand’s GDP, the Māori economy at its smallest comprises about 6%. Using the Māori share of the Aotearoa New Zealand population as an approximation for the relative size of the Māori economy, which presently stands at around 17%, the Māori economy is conservatively likely to be 15%. Using this approach, GDP per capita will converge between these two points, which can be used as a guide for the Māori economy’s share of national gains from the NZ-EU FTA. The model suggests that the Māori economy will top out at between 8% and 9% of the Aotearoa New Zealand economy in terms of real GDP by 2040. In this model, 6% of Aotearoa New Zealand GDP is the low point of the Māori economy, which compares well to the 6.2% in 2018 (Nana et al., 2021). The Māori economy has 17 years to get to an 8% share of Aotearoa New Zealand GDP. This is a relatively significant growth rate considering one-third of the Māori economy is in primary production, where growth is constrained by productivity gains, climate change effects, and environmental regulation.

5.5 Economic impact of the NZ-EU FTA on Māori economy

Consistent with Walmsley et al. (2022b), we model real GDP impacts for Māori using three scenarios: (1) low—a conservative scenario; (2) likely—a moderate scenario; and (3) high—an ambitious scenario. The results are set out in Table 7. Under Scenario 1, by 2040, Aotearoa New Zealand’s real GDP is estimated to be \$900m larger as a result of the NZ-EU FTA. An estimated \$80m of this accrues in the Māori economy with \$50m accruing in trade-exposed sectors. Under Scenario 2, by 2040, Aotearoa New Zealand’s real GDP is estimated to be \$1,100m larger as a result of the NZ-EU FTA. An estimated \$110m of this gain accrues in the Māori economy with \$70m in trade-exposed sectors. This would imply the Māori economy benefits more in relative terms compared to the total economy as a whole. Under Scenario 3, by 2040, Aotearoa New Zealand’s real GDP is estimated to be \$1,600m larger as a result of the NZ-EU FTA. An estimated \$150m accrues in the Māori economy with \$100m in trade-exposed sectors.

Table 7 Change in real GDP for the Māori economy by 2040 for NZ-EU FTA scenarios 1-3^a

	Scenario 1 (low)	Scenario 2 (likely)	Scenario 3 (high)
	Real GDP		
Percent	0.06	0.08	0.15
NZE^b gains (NZ\$m)	900	1,100	1,600
ME^c gains (NZ\$m)	80	110	150

^a The trade-exposed sectors comprise 36% of the Māori economy; ^b Aotearoa New Zealand economy in 2018 New Zealand dollars; ^c Māori economy in 2018 New Zealand dollars.

The likely scenario suggests a \$110m gain to the Māori economy in terms of real GDP, which is reasonably significant. While the distributional effects across Māori employers, employees, and households cannot be determined, we anticipate that incomes for owners and employees of Māori enterprises will increase. Most of the impact of the NZ-EU FTA on Māori enterprises can be attributed to tariff elimination rather than changes in quota where price receives an immediate impact. Around one-third of the Māori economy is in trade exposed sectors, while two-thirds is in sectors that are primarily domestic in nature such as health and education services. The results emulate the Walmsley figures to estimate the GDP impacts for the Aotearoa New Zealand and Māori economies based on a random distribution of possibilities. The skew in the results is driven by the NZ-EU FTA's focus on goods exports and the trade exposure of the Māori economy.

5.6 Māori exporting activity and potential in the EU

Apart from directly engaging with firms, New Zealand Trade and Enterprise (NZTE), given its role in supporting Māori enterprises as exporters and investors, is ideally placed to provide insights on Māori export activity and potential in the EU. NZTE values te ao Māori and its contribution to Aotearoa New Zealand and recognises te Tiriti o Waitangi as a founding constitutional document (NZTE, 2022a). NZTE works with its Māori customers who mainly comprise Māori small-to-medium enterprises, Māori authorities, and iwi enterprises, through Te Pora Māori, its lead team on engagement with Māori, but all areas are building their te ao Māori capability (NZTE, 2022a).

In 2022, NZTE worked with 324 Māori customers who collectively generated \$64 million in foreign exchange earnings. In 2023, NZTE advise that it engages with 371 Māori exporters and works with 109 Māori enterprises in its portfolio of focus customers who have a customer manager assigned to them. In terms of the EU (excluding the UK), NZTE reports it is working with 41 Māori enterprises who are active across 159 markets, with 27 in food, beverage and consumer goods, seven in manufacturing, and seven in technology (see Table 8). With 24 Māori enterprises operating there, Germany is the biggest EU market for Māori exports, followed by Spain (15), France (14), and Italy (11).

Table 8 NZTE Māori customer profile by revenue and sector for the EU

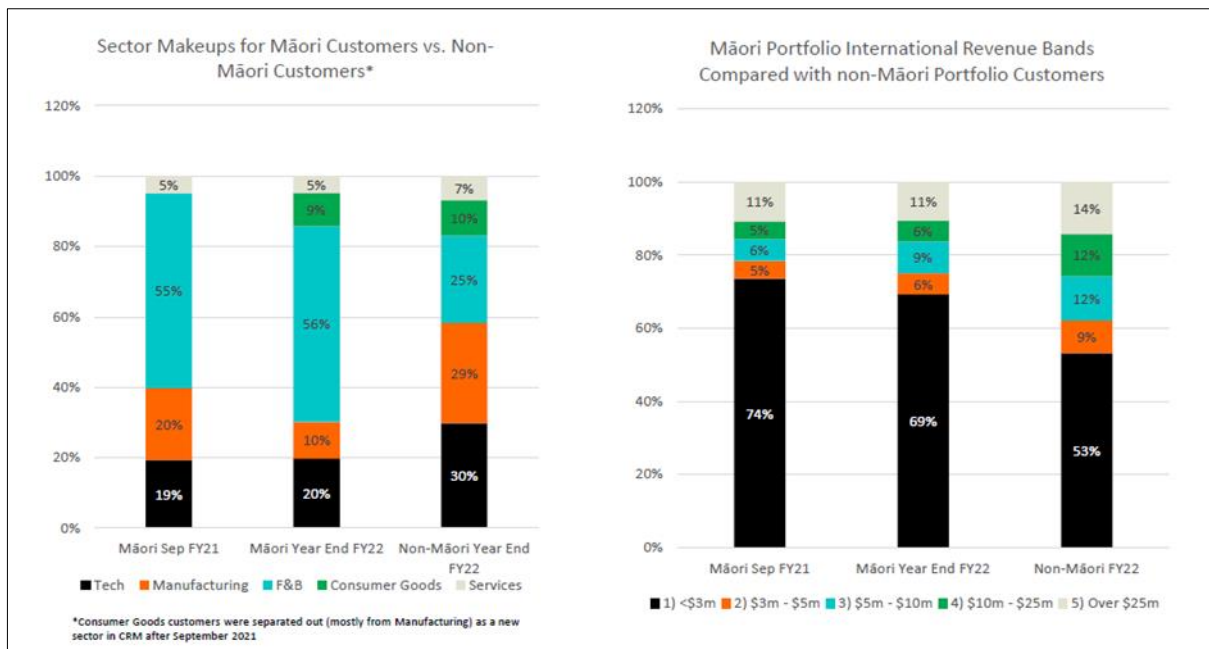
Revenue and sector	Client count
1) <\$3m	14
Consumer Goods	2
Food & Beverage	6
Manufacturing	1
Tech	5
2) \$3m-\$5m	3
Consumer Goods	1
Food & Beverage	1
Manufacturing	1
3) \$5m-\$10m	6
Consumer Goods	1
Food & Beverage	3
Manufacturing	1
Tech	1
4) \$10m-\$25m	7
Food & Beverage	4
Manufacturing	3
5) \$25m-\$50m	3
Food & Beverage	3
6) \$50m-\$100m	4
Food & Beverage	2
Manufacturing	1
Tech	1
7) \$100m-\$250m	3

Food & Beverage	3
8) \$250m-\$500m	1
Food & Beverage	1
Grand Total	41

Source: NZTE (2023)

Generally, the regional distribution of NZTE’s Māori customers follows that for non-Māori customers, with Auckland the main location for both, but there is a larger presence of Māori enterprises in Gisborne and the Bay of Plenty, consistent with regional Māori economic data (Nana et al., 2021; NZIER, 2005). In terms of NZTE customers, Figure 2 shows that food and beverage make up a larger share of Māori enterprise exports (56%) compared with non-Māori enterprises (25%), while Māori enterprises make a larger share of firms earning less than \$3m in annual revenues (69% compared to 53% in 2022).

Figure 2 NZTE Māori and non-Māori customers by sector and revenue



Source: NZTE (2023)

6. WHAI WHAKAARO—INTERVIEW FINDINGS

6.1 Aims and methods

Whai Whakaaro sets out interview findings on outcomes from the NZ-EU FTA for Māori. Interviews were conducted as informal and confidential kōrero (conversations) mostly in English, with te reo Māori featuring in mihimihi (greetings), karakia (prayer), and kōrero. Participants were invited to share their reflections on the NZ-EU FTA, its rationale, process, and outcomes for Māori, including implementation. Whai whakaaro supplements whai hua and whai rawa with qualitative data on the NZ-EU FTA and its impact for Māori. A total of 26 people participated in one-to-one kōrero or in small groups, with 10 face-to-face and 16 via Zoom. Interviews were recorded with consent. Note-taking was used in interviews at Manatū Aorere to comply with security protocols. Whai whakaaro reflects what participants said in the interviews. A summary of participant characteristics follows in Table 9.

Table 9 Participant characteristics

Participant characteristics	Number
Treaty partner ^a	3
Māori	10
Non-Māori	16
Māori organisation	5
Māori enterprise	5
Europe researcher	1
New Zealand official	17
European Union official	1

^a Treaty partner organisation in this context refers to the Federation of Māori Authorities, Te Taumata, Iwi Chairs Forum, and Ngā Toki Whakarururanga.

6.2 Participants

Whai whakaaro contains the views of officials who were engaged in the NZ-EU FTA negotiation process, covering intellectual property, geographic indications, digital trade, sustainable food systems, goods market access, economic measures, and inclusive and sustainable development (see Table 10). Not all subject matter that the NZ-EU FTA contains was covered in the kōrero, but sufficient to provide an indication of the Māori interests, outcomes, and benefits. The priority was, however, in whai whakaaro to engage with treaty partner organisations and at least two Māori enterprises on the merits of the NZ-EU FTA. Three of the four treaty partner organisations that Manatū Aorere usually engage with were available. Ngā Toki Whakarururanga preferred to convey their views through a treaty-based assessment, which was kindly shared with me. Five participants were associated with Māori enterprises as owner-operators, directors, or managers, including who are goods exporters of horticultural, seafood, and agricultural products.

Table 10 List of participants

#	Role	Organisation
1.	Official	MFAT
2.	Official	MFAT
3.	Consultant	Māori enterprise
4.	Official	MFAT
5.	Director	Te Taumata
6.	Official	MPI
7.	Official	MFAT
8.	Official	MFAT
9.	Official	MFAT
10.	Director	Te Taumata, Māori enterprise
11.	Manager	NZTE
12.	Official	MPI
13.	Official	MFAT
14.	Manager	Poutama Trust
15.	Researcher	Canterbury University
16.	Official	MFAT
17.	Iwi leader	Iwi Chairs Forum
18.	Ambassador	European Union
19.	Official	MFAT
20.	Advisor	New Zealand Māori Tourism
21.	Official	MFAT
22.	Official	MFAT
23.	Manager	Te Awanui Huka Pak Ltd
24.	Executive	Federation of Māori Authorities
25.	Official	MFAT
26.	Customer Manager	NZTE

6.3 Scope and nature of the kōrero

The terms of reference for this assessment require a focus on key outcomes for Māori from the NZ-EU FTA text. In order to arrive at what those key outcomes are, the kaupapa Māori framework of Ūropi tauhokohoko ka taea in Figure 1 was used to garner a holistic view of the context, process, content, and outcomes of the NZ-EU FTA for Māori. As a consequence, what follows is an account of the content and process of what was negotiated for and with Māori in the NZ-EU FTA from the perspective of officials and Māori who were involved and interested in this. Consistent with this approach, more questions than can reasonably be addressed in a 60-minute kōrero were identified and shared with participants in advance (see Annex 4). In general, the questions follow a tikanga Māori-based approach to kōrero, which covered: (1) whanaungatanga (relationships) —where participants were born and raised, and how they came to be in their present role; (2) pakihi (enterprise)—the identity, nature and scope of the enterprise and its exporting activity; (3) tauhokohoko (trade)—challenges and opportunities of Māori international trade generally, and experience in trading with the EU; (4) Māori interests in the NZ-EU FTA in terms of its success, benefits, costs, risks, and specific concerns.

6.4 Te Taumata

Trade matters to Māori, it makes a difference economically, because it supports the achievement of social, environmental, cultural, and community priorities. Māori support for trade is based on ongoing engagement with communities. However, collapse of rural Māori communities from the 1970s to the 1990s is attributed to two key events—Britain joining the European Community in 1973 and the New Zealand government’s removal of farm subsidies in 1980s. Today, Māori agribusinesses are diversifying, reducing the impact of trade restrictions. Treaty settlements have enabled iwi to buy back fisheries and forestry assets, but they come with exposure to climate and carbon scheme risks, which affects their value.

Building trust with officials has been the key to success in Māori engagement in the NZ-EU FTA negotiation process. Trust enabled officials to share text allowing Māori voices to be heard. Respectful relationships were formed without the threat of court or tribunal action. High trust and confidence among Aotearoa New Zealand’s negotiators meant Māori received copies of the text enabling Māori to provide expert input on the actual text. The success of the NZ-EU FTA in practical terms is all about trust, without which Māori will not participate because of the risks to their intellectual property. It is important then that Māori trust the NZ-EU FTA, that the benefits can be relied upon, and the process is tika (appropriate).

As a treaty partner, Māori provided unpaid input into trade negotiations. Nevertheless, Māori representation in the process was essential. While the treaty partner is recognised, their status is not resourced. Māori want direct engagement with ministers and decision-makers, rangatira-to-rangatira (chief-to-chief). Māori analysis of FTAs is unnecessarily rushed. Moreover, how do Māori come with agency to FTA negotiations when the US and China are withdrawing from rules-based trade and using trade for their own ends. The Indigenous Peoples Economic and Trade Cooperation Arrangement (IPECTA) offers another framework for Indigenous involvement in trade policy.

The rationale for the NZ-EU FTA

Aotearoa New Zealand is irrelevant in terms of financial advantages for the EU, but alignment with our progressive trade agenda and Indigenous people appealed to them. We understand the NZ-EU FTA is game changing for the EU because of its newness, but for Māori, it must be mana-enhancing for both partners. For Māori, it is not about individuals, we live and operate in a collective framework. For Māori, a measure of success for the NZ-EU FTA is whānau (family). The FTA is presented as the ‘greenest’ FTA, with a focus on labour and gender equality and women’s economic empowerment, which are fundamental to Māori. This FTA signals that all FTAs should include an Indigenous trade chapter. The Māori and Indigenous trade chapter is there because Te Taumata pushed for it. It’s consistent with a progressive trade agenda and a Māori view of trade, but officials were not confident, certain, or supportive of it because it was going to be difficult. Officials regarded the treaty exception as sufficient protection for Māori interests. Māori enterprises are engaging in science-based innovation with a focus on wellbeing by adding value from what is available, but we need EU research capability.

Metaphorically speaking, the EU is the elephant and Aotearoa NZ is the minnow. The EU has a high value stable market, which is attractive to Māori. The EU is also like a deer roaming freely, but it is worried about the bear on its border. So, the EU is shoring up support through

FTAs with the rest of the world. Māori interests maybe affected because the NZ-EU FTA brings with it EU policies on food security for instance, but the world is following EU standards. Cooperation in the NZ-EU FTA is Indigenous inspired with new trade infrastructure to support this. For instance, a high-level EU official recently visited and said Europe does not have any Indigenous people, but of course they do, the Sámi. The EU, particularly France, also has ties to Pacific states and the NZ-EU FTA provides the EU with an opportunity to engage with those states.

Success for Māori in the NZ-EU FTA

FTA success for Māori will involve joint trade missions, post-implementation reviews, and participation in the advisory groups, as well as support for Māori enterprises who aspire to trade with the EU, including navigating markets and logistics, because pivoting to the EU will not be easy. Māori must be adequately resourced to be on the NZ-EU FTA advisory groups to maximise the value from the NZ-EU FTA and sharing traditional methods and innovations. An implementation plan for the NZ-EU FTA is needed, along with resourcing for Māori involvement, and avoidance of fragmentation between agencies. The FTA implementation plan should be constructed on a partnership basis and sufficiently resourced. Collaboration activity could include research, science, and innovation, cultural exchanges, and joint policy dialogues. There could be \$100m benefits in time, but post-implementation reviews must look at what we wanted versus what we got. Key benefits for Māori include fisheries, horticulture and science. Procurement presents Māori business with domestic rivalry and challenges accessing the EU market. Māori enterprise stand to gain immediately from tariff reductions because we have quality products in market already, particularly honey, wine, fisheries, mānuka. Māori need high quality research and innovation to support their success in the EU. Te Taumata wanted access to EU science funding for Māori, which is possible through collaboration with EU research partners on the Horizon Research Fund. The EU offers Māori a viable alternative market in case existing markets suddenly decline. Collaboration with the EU on climate change, Indigenous-to-Indigenous trade, and Indigenous peoples in EU economies are future opportunities under the NZ-EU FTA.

Risks to Māori and Indigenous resources

Māori land-use diversification should limit the effects of the NZ-EU FTA on farms. Given 80% of the world's natural resources are associated with Indigenous people, coupled with population growth and climate change, intense pressure will fall on Indigenous resources. The FTA must advance Indigenous business without harming future generations and the environment. There is a concern about the enforceability of provisions intended to protect Indigenous rights and interests, for example, Indigenous control over Indigenous data. Appropriate fora for resolving disputes should be available, including specificity on domestic advisory groups. Defensively, one of the concerns Māori have is protecting Māori intellectual property, but the digital trade chapter provides scope to progress this.

The role of treaty partners

Ngā Toki Whakarururanga is strong at defensive Māori interests, while Te Taumata is strong on offensive interests. Both are needed because Māori interests would have been missed without them. The Indigenous chapter considers defensive and offensive Māori trade

interests. The efficacy of the treaty exception to uphold Māori interests is constrained by domestic policy limitations. Domestic policy 'catch-up' to protect Māori ambitions and interests in Aotearoa New Zealand is a priority for Māori, and the advocacy of advisory groups can assist with this.

Cultural competency of trade negotiators

On people-to-people engagement, MFAT is great, and their chief negotiator understands the culture and Māori imperatives, but the worry is that MFAT is not transforming in line with this approach. The Crown wants to show the world it's leading a progressive trade agenda inclusive of Indigenous people, but having the coloniser talking us up internationally is not really consistent with that aspiration. MFAT is becoming more culturally competent, but Māori involvement still feels like it is viewed as an "input" rather than kaupapa-driven engagement. Māori engagement on the NZ-EU FTA is largely voluntary, it is not funded by industry levies or government. Treaty partner relationships were not entirely well managed with entities being played off with limited funding, resulting in relations being unnecessarily bruised.

Review of Māori engagement on trade

The government's engagement with Māori on trade must be reviewed to ensure that it is effective, appropriate, and ethical. Tactics used may be questionable. For example, the Crown might insist Māori resolve tensions in smaller matters before engaging on larger matters; when the Crown wants to know what is the Māoriness of something, that knowledge is not held by agencies; it is held by treaty partner entities and their people who must consent to sharing it on their terms.

6.5 Iwi Chairs Forum

Māori approach to the EU

We are meeting tribe-to-tribe developing Indigenous economies around the world below the geopolitical level, so we can achieve some soft bargaining power with nations who respect cultural connections. The opportunities in trade are fabulous. This is based on Māori leaders of the last century like Tawhiao and our own iwi who were making a beeline for the United Kingdom and Europe. Every Māori will have some heritage in Europe. We have people buried all around Europe who were fighting for them. That legacy still strikes a sentimental chord for the Europeans. The impact of the Māori battalion, Māori and Pacific sporting prowess, the impact of the Te Māori Exhibition, and now the impact of Māori in commerce has really taken hold in the EU. We were advised that Māori enterprise should not only think of the EU but go to EU countries who want a relationship because they do know who and what Indigenous is.

Māori approach to business

In terms of the Māori approach to business and trade, there is shock and awe when non-Indigenous people are in the same room. For example, we took a group of Māori CEOs to Stanford for a business course. We mihi to our maunga (mountains), our mate (dead), our awa (rivers), our whenua (land), our moana (lakes and seas). It was the first time they had ever negotiated anything with mountains and dead people. These US businesspeople were very wealthy, but we have no respect for hierarchy in business. They wondered why we do this

against all odds. We are used to the odds, teina tuakana (younger, older siblings), te iti me te rahi (all matter), our cultural norms and thresholds. We go to the United Nations and other Indigenous peoples want to meet with us because if they challenge their governments they disappear. We argue with our government at the UN and the Privy Council, we are fearless.

The EU and Indigenous peoples

Some European nations see themselves as sovereign total, they do not have to deal with Indigenous people, they deal with ethnic people, which are a different category to tribes. The EU argue they do not have an Indigenous people, so they are not responsible at home, but they depend on Indigenous resources worldwide. They have explored how to develop these relationships; we seem to have the key to support them in this. The EU have never experienced culture, confidence, and bravado as we present it. They are happy with our commercial direction, and see that we are not afraid to cross swords with our government. The EU is keen for us to re-introduce them to the Pacific, not as a colonising force, but around trade, not aid. There are a few hooks that only Māori can pull in those places. The Dutch influence in the Pacific is massive, but they cannot get into Pacific nations. The EU is the biggest contributor of aid in the Pacific because they rely on the Pacific to keep shipping routes open. The French have a connection to the Pacific. They are looking to Māori to help them gain a shoe-hold into the Pacific because of our Indigenousness and trade in the Pacific.

Trade is about relationships

Trade is all about relationships first, business will follow. The more seamless economies become through digital technology, there are lots of things that we need to protect as with Wai 262. That is a sticking point but it's not an end point. It's about starting a relationship. Our story is the same as Pacific nations, our property has been taken by other nations. It's a rolling back. In the treaty, article three says that we have the same rights as British citizens. If British citizens have access to Europe, then so do we. They say it doesn't apply, but it was signed by Queen Victoria. We're being bold with this, and the Crown is still coming to grips with it. In Osaka, the Economic Expo 2025 will see 16 nations wanting to present their credentials to the Western sphere. We talk about 4 Cs—culture, commerce, climate, community—based on the whole quartet of value-sets. It has taken the others a long time to figure us out. They always defer to the Western model, but we have a model unique to all Indigenous people.

6.6 Federation of Māori Authorities

Māori engagement in negotiations

The Federation of Māori Authorities (FOMA) has for the last 40 years been involved in Aotearoa New Zealand's trade negotiations and is pleased with the progress Manatū Aorere is making. FOMA was directly engaged in negotiations. While FOMA is not always at the negotiating table, we engage with officials, industry and others who are. We support other Māori who are in conversation with the authorities, and we will not publicly disparage other Māori. All Māori must focus on what's important and let our people get on with the work. We are supportive of the Treaty of Waitangi, its central to who we are, but its not what we do; we support others to lead that work. The Māori and Indigenous chapter is supported. For Māori to succeed, however, the entire NZ-EU FTA needs a Māori focus. We're also not Indigenous,

we're Māori. The EU FTA is extraordinary given the protections and the competing interests of the EU states.

Benefits for Māori

From an agricultural perspective, industry will always want more and better, but on balance we have done well. A systems approach is important, so trade is aligned in a synergistic way with work Aotearoa New Zealand is doing on climate change and resource management. Climate change action among Māori enterprises is needed to address sustainability issues. A pragmatic approach is required to international trade as it can be costly and risky. Some Māori enterprises have been trading in overseas markets with Pākehā business partners for over 100 years. International trade obliges Māori to meet the economies of scale test. This is a test that shows the venture will be viable. Some of our businesses are best suited to trading in the domestic market. Those enterprises that want to and can trade internationally should be supported to do so. Trade is a way to address deficits and achieve aspirations.

Industry levies not benefitting Māori

When asked about how Māori engaged in trade policy and NZ-EU FTA negotiations in particular, this participant identified industry as one of several ways their organisation did so. Effective Māori engagement through industry on trade policy was constrained, however, by a sense that Māori authorities were being excluded from having a say over and benefitting from the levies they pay as primary producers to industry bodies under the Commodity Levies Act 1990. They felt that the government must ensure that those levies benefit Māori. These entities are systematically keeping Māori out. If Māori are worth 35% of the levies going into Beef and Lamb, for example, then Māori must have a portion of that.

A review of the impact of all FTAs for Māori

Aotearoa New Zealand has some of the best trade negotiators in the world, who always get the best possible deal for us, even where it may fall short of industry expectations. The NZ-EU FTA is as good as it is going to get given the many markets, geopolitics, and Aotearoa New Zealand's relative position. We do, however, support the need to look at the full suite of levers that support Māori exporters. There is a need to review all FTAs and assess their impact for Māori and how each FTA ties together especially with the advent of the Indo-Pacific strategies and the influence of China.

Māori trade leaders are needed

A Māori trade desk, Māori trade commissioners, trade directors, and envoys would enhance Māori success in trade with the EU and elsewhere. When FOMA raised the idea of Māori special envoys with senior MFAT officials, the concern was who would it be, and that people will be upset. FOMA gave a pragmatic response, just pick a person with trade, country, and business experience, maybe two or three: a general one, one on tourism, and one for primary industries. We could probably name them but run them for three years as a test. The government does this regularly, it created roles for former prime minister Ardern, Louisa Wall, and Shane Jones; it can be done! And they did not ask Māori.

Challenges of international trade

For Māori enterprises to succeed in the EU, two things would help: knowledge and experience in business, investment, and partnerships; a realistic understanding about whether their product or service has the ability to scale for market internationally. Aotearoa New Zealand will always want more, bigger and better from FTAs, our negotiators know what everyone wants and try their hardest to get that. They're negotiating right up till the document is signed, they know what they're talking about. Everyone is smarter in hindsight, but I'm more interested in how we derive wealth and wellbeing for all New Zealanders, which should be our focus.

6.7 Māori enterprise and trade policy

Māori business is not defined

This participant was engaged in trade policy as a Māori enterprise owner and operator. They considered that the definition of Indigenous trade is not determined; it is about modernising pre-colonial trade. With the NZ-EU FTA, there is no definition of Māori business even though we have a Māori trade chapter. There is nothing in the NZ-EU FTA that refers to Māori business. Exploitation is a risk when defining Māori business in the NZ-EU FTA. For example, Amotai is criticised because the ownership percentage of a Māori business they apply appears colonial, like the outmoded blood quantum practice of defining who is and is not Māori. If the definition of who is a Māori business is too loose, however, this could include businesses that look Māori but are not.

Early consultation with Māori preferred

Earlier consultation and engagement with Māori is preferred when the mandate to negotiate is being decided. The risk is that there are no non-Crown Māori to represent the Māori story. Māori must be involved in establishing mandates. This would have shown the treaty exception was inadequate given tribunal findings.

Māori trade chapter unenforceable

Getting a Māori chapter in the NZ-EU FTA is a good outcome, but it is unenforceable. The EU is committed to Indigenous trade, but it did not want the Māori chapter. Market access provided limited benefits, with quota restrictions offering negligible gains for Māori dairy producers for example. These outcomes were promoted as big wins, but the win is not a win, they're a step to a win.

Treaty exception wording substandard

The treaty exception was a disappointment. The EU was not keen on it, but they accepted it. It is a substandard clause that had been criticised during the Wai 2522 claim. A really good exception clause is the WTOs, which the EU could have applied. The US-Mexico-Canada agreement provides a middle-of-the-road exception. The proposed Joint Initiative on E-commerce contains an exception, which protects a government's ability to uphold the rights of Indigenous people.

Funding for Māori engagement, analysis, and advice is needed

We need new tools to engage with Māori, to show how FTAs matter. The process of engagement was great, but most Māori groups are doing this voluntarily. Māori are not paid to engage and provide advice; there is not a lot of equity in terms of Māori being consulted, doing analysis, and providing advice. The government was funding economic analyses, but they did not commission a pre-FTA impact study for Māori so we can assess how well we did.

FTA outcomes

We need to build values-based relationships using Māori approaches to diplomacy. For instance, what are we going to give back to the EU that they will value?. The EU project themselves as a sustainable and progressive polity, but how can we help them actualise that. For example, jointly researching these matters that lead to action using Indigenous knowledge. Tariff elimination is not going to be the future of FTAs.

Treaty partnership

As Māori, we need to understand who the treaty partner is, what is our process for deciding who the Māori partner is for FTAs? We do need to engage with Māori who have interests in trade to help decide the mandate for Aotearoa New Zealand to negotiate. Māori should have rangatira-to-rangatira conversations with Cabinet, rather than expressing views through officials. Māori must have their experts involved as negotiators in FTA negotiations. There is equal partnership to an extent with Ngā Toki Whakarururanga and Te Taumata. IPECTA also have a good view of what a partnership council looks like. It would be good to see if we can bring that model into FTAs. There is no guarantee of Māori involvement in the NZ-EU FTA; there is a domestic advisory group, which could have Māori on it, but without power.

Risk of appropriation

There is a big risk around appropriation of Māori concepts that are defined in unenforceable chapters. The FTA allows the EU and New Zealand governments to redefine these things for themselves. For instance, mātauranga is limited to traditional knowledge, which does not protect the way mātauranga is used in modern contexts. There is some concern that our language is misused, that the Oxford Dictionary is the place in which Māori words are defined, not Māori. There is a risk that the NZ-EU FTA will not preserve sufficient policy space for policies that Māori desire like Te Pae Tawhiti, which deals with Wai 262.

Funding for Māori involvement in implementation

MFAT need to set up an implementation fund for Māori and make it openly contestable. There is interest from smaller groups who want to study Indigenous resource management overseas, but there is no funding for this, yet it is a cooperation activity. We need to prepare for the NZ-EU FTA review to assess outcomes and changes important to us. Ngā Toki Whakarururanga is focused on treaty issues and Te Taumata is focused on trade; both are critical.

The small business chapter is unenforceable and wāhine Māori chapter, gender chapter is useful, but gender equality tends to focus on women but not takatāpui (transgender). Work on global commitments to gender intersectionality is needed. Our wāhine voices on trade are

also needed. We don't have a wāhine trade group, but we need one who is able to bring these views. We need more Māori ambassadors. We need Māori who are engaged in EU markets and understand trade policy issues to be there for us.

6.8 Māori enterprise in horticulture

Māori enterprise and mātauranga Māori

In our business everyone is in search of mātauranga Māori. Mātauranga Māori is in demand because it represents a "connected ecosystem within te ao Māori to achieve mana motuhake for our people." Shareholders in the kiwifruit business are collectives who are diversifying and want greater say over the production and distribution of their produce. Whānau want to innovate in plant variety rights (PVRs) for example. Our philosophy is growing food basket, growing people, growing innovation. It is anchored in mātauranga Māori, atua Māori, the connectivity of all things, with the ultimate outcome hauora (health) for people and land. The enterprise is building a portfolio of biocultural products, but high-tech capability is needed.

Māori innovation, high tech, and investment

The Māori enterprise has invested in nanotech and molecular extraction, which is a very precise process using ethanol. The process achieved 70% success, but that is now up to 90%, while maintaining the bioactivity. This product presents a good intellectual bundle, alongside goods exports for the enterprise. Whānau and larger scale Māori enterprises have secured investment and are committed to shifting a portion of their assets from land-based to innovation-based activity, including environmental diagnostics, which is world class tech.

A softer approach to financing than venture capitalists

We are taking a different approach to the typical venture capitalists. We want an enduring right to use the technology and innovations we create and are part of, we want to solve real problems right here in our communities, build intergenerational capability, and we are deploying innovation to achieve it. "We don't get out bed to be average bro!"

Investing in innovation and its revenue streams offers protection against biosecurity threats, which could destroy horticultural incomes. A cautious approach is necessary so there is awareness of the risks. This means putting in place good governance, doing due diligence, and establishing a sound operating model, which combines mātauranga Māori leaders and Western science leaders to create this new enterprise.

The benefit is having the opportunity to create a future world for our kids, leveraging off our natural assets congruent with mātauranga Māori, being proudly who we are, globally renown for world class knowledge. All indicators of prosperity are plummeting in Aotearoa New Zealand, so achieving a prosperous Aotearoa is key, but it has to be fit-for-purpose where geopolitics and climate will leverage off mātauranga Māori, then we have something to share with the world.

Māori international trade

There are few Māori exporters of scale, but we could position Aotearoa New Zealand using geographical indications in the way EU countries do, but the treaty and Wai 262 policy is not sufficiently advanced domestically to permit this according to officials. Preserving space for Māori should have been part of the negotiations. The geopolitical environment is shaping where in the EU our product goes. Māori exporters are being discouraged away from China even if it meets their quality standards and there is demand. Opening up the US market would offer more than the EU for Māori, but that is not happening. The compliance costs of trade are high. We have a person responsible for logistics. It's an intensive capability that's required, it must be precise, so you do not have containers held up at port. It is an extraordinary amount of work. There are numerous licences we must have. They need renewing periodically. Getting NZTE support can be difficult. We have to meet criteria and if we don't fit, it becomes frustrating.

FTA opportunities for Māori

The FTA looks after bigger firms and industries, which are not owned by Māori, and it is uncertain how Māori benefit from this. We need to understand how horticultural systems work in the EU and what we can learn from them. There are opportunities for Māori consultants and capability building. Trade missions tend to be government dominated. Such missions must have exporters involved who have something to trade. Māori want to invest in tech, but do not want to lose control and use of the tech that is created or the mātauranga that goes into it. This is the approach that is being used, where capability building supports mana motuhake, and infrastructure for business. Imagine if we had our young people do trade training in the regions, then progress through internships in overseas universities and firms, because wealth consolidates through such actions; start small.

6.9 Trade negotiation perspectives

Māori engagement in FTAs

The Trade for All advisory board recommended that national interest analysis (NIA) needed to be more independent. In line with this advice, Ngā Toki Whakarururanga and Te Taumata are doing their own assessments of the NZ-EU FTA. While the EU said they did not want a Māori and Indigenous chapter in the NZ-EU FTA, the advice from Ngā Toki Whakarururanga, Te Taumata, FOMA and other Māori made it clear what their expectations were. We were also guided by the Waitangi Tribunal findings. Māori involvement in FTAs is evolving. It started with Te Taumata, Iwi Chairs, and FOMA. Now we have secure and regular engagement with Māori on the detail in the NZ-EU FTAs, which has been beneficial.

EU due diligence on Indigenous matters

The EU did their own due diligence in Brussels, and we had the Prime Minister and Minister for Trade and Export Growth both saying we must have it (a Māori trade chapter and treaty protections). We called on the EU members before departing for Europe on several matters, including specific and substantive safeguards for Māori. The EU representative was less enthusiastic but the EU Ambassador to New Zealand was very supportive.

Aotearoa New Zealand and EU trade interests

The goal of the NZ-EU FTA was to level the playing field as far as possible. Our top 10 competitors incur 0% tariff. Aotearoa New Zealand's trade to the EU is worth about \$1b. For the EU, there was nothing in an FTA for them. For us, we would gain access to an open market without tariffs. The big prize for the EU though was their desire for the dismantling of Zespri because the EU believed that it was anticompetitive. Their other interest was the term extension for new medicines from 4 to 7 years before cheaper generic versions were allowed into the market, but this provision would have added significantly to Aotearoa New Zealand's health care cost.

Geographic indications (GI)

Geographic indications (GI) is big for Māori. It is the idea that it is a product's geography that makes it unique (e.g., Feta from Greece). In Aotearoa New Zealand, the dairy industry was fiercely opposed to proposals that would stop it using names of cheeses that it had been using for a long time. Some Māori said, no, there are advantages to GI, it was okay for Māori. We agreed to some of the EU GI proposals including the protection of nearly 2,000 EU GI in Aotearoa New Zealand, subject to some limitations. For example, for "Feta" and "Port", there is a nine-year transition from entry into force before existing users of these terms will need to stop their use.

Māori involvement in negotiations

We had confidentiality agreements in place with Māori so we could share text. We have a good relationship with industry, but it's a stakeholder relationship. We share content but not text with industry. There is a difference between stakeholders and treaty partners. We trusted our treaty partners. In return, they trusted me to get the best deal for them and for Aotearoa New Zealand. We held drafting sessions separately with each treaty partner group. It was an iterative process, which went down to the wire. On fish, in the final three or four days, we asked the treaty partners, what do we need on fish? We went down the tariff lines on fish to identify what do we really want for Māori. Improvements were reflected in the NZ-EU FTA text. The treaty partner engagement can be hard on younger staff, but we are better for their advice.

Treaty partner involvement in the NZ-EU FTA implementation and review

When we review the NZ-EU FTA in 3-5 years, treaty partners must be part of it; I want that to be an automatic part of the trade policy process. The institutional chapter provides for the formation of domestic advisory groups. Treaty partners are distinct from civil society groups who are represented on these groups. The EU agreed only at the very end to this. Treaty partners are not stakeholders – this was an accepted part of the process for MFAT and the EU. The hope is that MFAT in five years time is sharing text with Māori as a matter of course; same in the UK FTA. This is where we need to be. By imposing obligations on treaty partners, we're undermining what's going to be negotiated in FTAs.

6.10 Māori trade chapter

A hook was needed for the Māori chapter

On the NZ-UK FTA the Treaty of Waitangi was our hook for inclusion of a Māori trade chapter, but that would not work with NZ-EU FTA post-Brexit. We applied the lessons learned from the negotiation process with the UK. For the EU negotiations we proposed a different approach with the treaty partners. We invited treaty partners to determine for themselves how they would work together. We wanted the treaty partners to say what should go into the text. We invited treaty partners to draft the text and we remunerated them for their time and expertise. We could not guarantee Māori a seat at the table for negotiations. This set a different tone, a change in language, an increased focus on standards and changing outcomes. Te Taumata input was through two of their board members. Ngā Toki provided technical advice on the text. We had our challenges with Covid, so we went back and forth with the treaty partners on the text mainly via email.

From a declaration to a chapter

We tabled the text for the Māori trade chapter with the EU on 1 June 2022. The importance of the Treaty of Waitangi in the domestic setting was outlined to the EU negotiators and the imperative that we must deliver something for our treaty partners.

Māori chapter cooperation

Attention turned to the idea using the UK FTA's Māori trade chapter as a model. The initial proposal was for a political level declaration but by the end of the week we were looking at a Māori trade chapter in the NZ-EU FTA. There is a warmth in the NZ-EU FTA Māori chapter. The EU FTA identifies four cooperation areas, including on geographical indications.

Implementation of the NZ-EU FTA

Making the NZ-EU FTA work for Māori is the priority. Political leaders and officials are committed to working with the treaty partners on implementation. In practice, business missions, business matching, ministerial, institutional, and commercial groups will need to engage with the EU to make it work. Funding commitments and officials doing their work is part of this, but how the NZ-EU FTA is converted into business opportunities is next. We must have cultural exchanges alongside business. There are lessons from the UK FTA. We have learned from the tribunal; so, we assess whether this work meets the treaty standard.

Activating the Māori trade chapter

The FTA is a political agreement, in which a range of things matter. Getting the Māori trade chapter was essential. The benefits focus on market access, which offers another market for products that really matter to Māori—kiwifruit, sheep, beef, onions, dairy, right across the goods portfolio. Sustainable food cooperation contains a reference to Indigenous approaches. Future benefits are in goods exports. We need to do more work to make it as easy as possible to build awareness of the EU market. We must activate the Māori trade chapter; there is an opportunity to enhance it and grow the relationship with the EU.

6.11 Intellectual property

Intellectual property and the NZ-EU FTA

Aotearoa New Zealand was happy that NZ and the EU should rely on existing WTO rules, but the EU want more because they're big exporters of intellectual property. The EU wanted broad protection, stronger enforcement, and transparency. We pushed back, but concessions were made. The biggest concession was on geographic indications (GIs). The EU asked us to protect about 2,000 product names, and in return the NZ-EU FTA would allow us to protect existing NZ wine and spirits GIs in the EU. The problem is that, in line with WTO rules, we could only seek protection of GIs that are already protected here, which is not the case with "mānuka." There is some reference in the Māori trade chapter to mānuka, but not GI protection. We need to do the domestic policy work to implement the NZ-EU FTA. We included "is it offensive?" as condition for GIs which allows an intellectual property application to be opposed if they are offensive to Māori.

Preserving policy space for Māori policy

We had to make sure the NZ-EU FTA does not restrict what we do to protect Māori intellectual property here in Aotearoa New Zealand including through the Te Pae Tawhiti process. We considered what the Waitangi Tribunal said in the Wai 262 claim about WTO rules providing a floor not a ceiling for Māori protections as well as the treaty exception, preserving existing measures such as the Māori committee at the Intellectual Property Office of New Zealand (IPONZ) as well as specific drafting such as for the plant variety rights article. We can do more for Māori, which is not prevented by the NZ-EU FTA, but we must be sure it is not preventing us from doing more. We were informed by consultation with Māori, consideration of the use of FTAs to protect Māori interests in intellectual property, mātauranga and flora and fauna, Wai 262, and the implications of Wai 2522 digital trade. The priority for was preserving policy space in the NZ-EU FTA for Māori interests.

Engaging Māori

For Māori, we've learned a lot in the 4 years we've been consulting with Māori, Te Taumata and Ngā Toki Whakarururanga, and the Wai 262, and Wai 2552 treaty claims, and how Trans Pacific Partnership (TPP) addresses intellectual property. It's a combination of those decisions and consultations that have guided us in this FTA. The consultation was a two-way process; there is disappointment from Māori about what we have done and can do to protect Māori intellectual property, but we need the domestic policy work to be done before we do.

6.12 Goods exports

Trade in goods with the EU

Aotearoa New Zealand's aim was levelling the playing field. Aotearoa New Zealand is one of the few trading partners that doesn't have favourable treatment with the EU. Changing that and building relationships with the EU were key aims. When Aotearoa New Zealand firms see the EU they see cost, but there are opportunities. The NZ-EU FTA opens markets that have been closed to Aotearoa New Zealand for a long time. The EU see trade differently to Aotearoa New Zealand, trade cannot disrupt their domestic market. The EU saw dairy and beef as

potentially disrupting their domestic market. Aotearoa New Zealand argued that the volumes we would export will never have such a big impact on the EU.

Engaging with Māori

The climate change and sustainability focus in the NZ-EU FTA establishes a new model of trade considered the gold standard. In this FTA there was high-level engagement and detailed discussions with Māori on FTA content. Officials collaborated with Māori on mānuka honey to make sure the NZ-EU FTA was a good idea. The EU was unwilling to remove tariffs on honey immediately, some members wanted that, but we said Aotearoa New Zealand exports are entering the EU at a different price point compared to other EU trading partners. Negotiators got mānuka in at a lower tariff because it was entering the EU at a different price point to other honey exports. Officials can now collaborate more closely with Māori to maximise FTA advantages. Exporters must meet sanitary requirements, rules of origin, and quota, which requires authorisation to export to the EU.

Māori economic advantages

The Māori economy is strong across agriculture. Through engagement with treaty partners, officials have heard the value Māori place on the EU market. The FTA removes 99% of seafood tariffs and others soon after. This means the sector can look at the EU. Live seafood exports will not be as attractive as closer markets to Aotearoa New Zealand. The FTA removes tariffs on most products for a market of 450m people. The EU values environmental sustainability, and there is alignment with Aotearoa New Zealand on this. Aotearoa New Zealand is not a low-cost producer that will flood EU markets. There is high-level EU support for us, but negotiations showed that there were historical concerns about disrupting their producers.

6.13 Sustainable food systems

Multidimensional view of food systems

The Food and Agriculture Organization (FAO) takes a one-dimensional view of intellectual property. At the UN food systems summit in 2021, Aotearoa New Zealand promoted a multidimensional approach to food where culture was added to the environment, social, and economic considerations. Cultural sustainability and the role of intellectual property are in the food chapter of the NZ-EU FTA, where people and profit are aligned. In the chapter, the EU released the Green Deal in 2019/2020. A 'farm to fork' strategy led to sustainable food systems targets, for example, reducing the use of pesticides by 50%, reduce fertilizer by 20%, increasing organic food production by 30% (article 4.27).

A cooperative chapter on sustainable food systems

The EU wanted a sustainable food systems chapter. The EU gave us their view of what it should be, but we had a different view. In our view, the food systems chapter must reflect the position we gave at the UN summit. We do not have national food systems strategy, but the chapter includes the flavour of what one might be. This chapter is cooperative and will evolve. There is no definition of sustainable food systems. The EU refers to the FAO definition, but this is not a multilateral view. What is a sustainable food system tends to reflect the FAO definition, with additional considerations like nutritious, safe, and sufficient food for future generations, that

account for social, economic, environmental, and cultural sustainability. The EU had not considered the cultural dimension, but then said “no, food is cultural,” which was a win.

Māori sustainable food systems

The chapter provides a platform for Māori to address environmental matters because the environment dominates sustainable food systems policy. Aotearoa New Zealand has a narrative that is not widely considered, allowing Māori, government, and the community to give expression to sustainable food systems and the environment as we see it. An Indigenous perspective on sustainable food systems corresponds with that expressed at the UN summit as multidimensional, inclusive of cultural elements, which we are promoting in FTAs. MFAT led engagement, in which a paper on the chapter was shared with the treaty partner. A group has been formed with Māori sector-level representation to advise MPI on its next 10-year plan for increasing Māori primary sector. A yearly meeting with the EU looking at Indigenous food innovations is part of the NZ-EU FTA process.

6.14 Digital trade

Digital trade was one of the last provisions to be concluded. Ngā Toki Whakarururanga had an impact in the digital trade negotiations. Aotearoa New Zealand is already an open market with low tariffs for the EU, so digital trade was an area of offensive interest for the EU in the negotiations. EU wanted to build support for its digital trade model, and protection of their citizens’ privacy is also a high priority. The NZ-EU FTA digital trade chapter, therefore, looks different from CPTPP.

This FTA facilitates businesses to use digital trade processes, for example, by prohibiting customs duties on electronic transmissions and through paperless trade provisions and recognition of digital authentication for contracts and other electronic documentation. Such provisions, reduce the cost of trade, benefiting small enterprises in particular. (For example, the cost savings for couriers to send physical copies of customs documentation can be significant for exporters). This approach also ensures equal treatment between goods and digital exports. There are also provisions to protect consumers and build trust in the digital environment. We will explore options on how consumers can resolve disputes in relation to cross-border e-commerce. Such provisions provide benefits to exporters generally, including Māori.

The Wai 2522 report led to some significant changes elsewhere in the chapter. The treaty exception allows the Government to protect treaty rights, and there is also a carve out for measures adopted or maintained by Aotearoa New Zealand that it deems necessary to protect or promote Māori rights, interests, duties and responsibilities in respect of matters covered by the digital trade chapter, including in fulfilment of Aotearoa New Zealand's obligations under te Tiriti o Waitangi/the Treaty of Waitangi. While there is a source code provision, algorithms are out of scope and there is new language to allow government access to prevent bias or discrimination in software. There are data provisions that prevent localisation, subject to exceptions. There is a need for practical alignment in domestic policy with Wai 2522. For instance, if firms are required to keep data locally, we don’t currently have commercial data centres for this, although this is evolving. There is also a non-binding provision that affirms the right to regulate, including for the promotion or protection of the rights, interests, duties

and responsibilities of Māori for Māori interests. Privacy measures, government information, audio-visual services, measures to protect Māori rights, responsibilities, interests and duties are also subject to carve out.

6.15 Māori export assistance

Supporting Māori exporters

Māori are interested in realising the gains from trade that are established in the NZ-EU FTA through enterprise ownership, activity, and exporting. New Zealand Trade and Enterprise (NZTE) is an organisation that supports Māori enterprises to grow their exports and attract offshore investment, and will have some role in helping Māori to benefit from the NZ-EU FTA. Information, market intelligence, networking, facilitation, capacity building, and market visits are some of the ways NZTE does this. The priority is to understand Māori exporters' needs and to support them with NZTE services and connecting them with broader government services.

Defining Māori exporter

For NZTE, Māori exporters are self-defined, comprising mainly small-to-medium enterprises and tribal enterprise. Wāhine Māori are running the majority of the Māori exporters that NZTE works with. Sixty-five percent of Māori exporters who are NZTE clients are generating less than \$3m per year in revenue. The top market for Māori goods and services is China (44%), followed by the US and Australia at 20% each. Of the top 10 Māori exporters, seven are fishing enterprises, one is in metal recycling, one in tech, another in horticulture, and one is a food and beverage producer. Food, beverage and consumer goods dominate at 60% of Māori enterprise revenues, but Māori technology production by revenue is nearly 30%. This includes Statistical Analysis Software (SAS), deep tech, health tech, and creative tech. Gaming is surprisingly slower in its growth.

Māori exporters trade with EU

Market selection is the critical issue for Māori enterprise when considering the EU. The EU is not one market, it is 27 markets, each with its own challenges and opportunities, including the added cost given distance to market. Distance prohibits live food exports but is good for shelf-stable goods. NZTE works with 41 Māori enterprises who are actively exporting into EU markets, with Germany, France and Spain leading destinations for Māori goods and services. Market access is sometimes through mutual connections rather than deliberate strategies to export to the EU. Germany was an early adopter of Aotearoa New Zealand honey, but overall food and beverage are key exports.

Indigenous values

Indigenous brand narratives offers a value proposition to the EU market. The EU consumers are conscious of environmental sustainability, connection to place and people. Communicating the value of Indigenous values in relation to consumer interests is an opportunity. Māori wine exports are benefiting from tariff reductions, allowing exporters to diversify away from existing markets. Māori environmental values are consistent with EU consumer expectations about food safety, food origin. The challenge is to weave the Māori

story into the product story, so an EU consumer gets that and is prepared to pay for it. EU consumers and regulators have set standards, which include ethical supply chains, diversity and inclusion, food safety, and sustainability. Māori exporters must meet these minimum standards to compete. Māori focus on sustainability, some fishers are telling that story really well, some are striving to fish better, using more innovative methods, as genuine kaitiaki of the moana, but it's just part of their values. Some who are doing that really well are generating more value, Māori are leading that.

Māori intellectual property

Protecting intellectual property (IP) in every country is a significant cost for exporters. There is uncertainty about what protection the treaty exception offers Māori cultural and intellectual property rights until someone acts against a Māori firm. For example, a Māori wine company had a wine brand that used a Māori name which is common among Māori companies here. As well selling it locally, the wine was sold in bulk to a UK supermarket chain. The importer liked the brand name and took out a trademark on it, so that the Māori wine company could no longer sell its own product in the UK.

Communicating the opportunity

NZTE can communicate directly with firms about the benefits of FTAs as soon as they are concluded. Alongside MFAT, we can do roadshows to build awareness of it and support firms to build plans for market entry and expansion and what they can do to give effect to the opportunity. Tariff reductions may not be sufficient cause for Māori exporters to shift markets to the EU based on UK FTA experience to date. In working with fishing companies, they say it's a long way to the UK, it's too far for live seafood. Wine and honey are less perishable, so that's more of an opportunity. Small firms have less capacity to process information, but assistance is helping these firms understand new market opportunities. The NZTE is not seeing a marked shift in the destination of Māori exports to the UK following that FTA. Political trade delegations help to establish relationships and generate awareness of the opportunities. Geographical indications offer some protection for Māori goods and services and opportunities to trade on the strength of these.

6.16 Māori enterprise support

Māori enterprise and trade

Research shows Māori-owned enterprises are growing, including wāhine-owned businesses. Access to capital is a challenge, with Covid-19, the recession, and weather exacerbating this for Māori enterprises. Māori enterprise trade missions have been a feature, with a focus on Māori food and beverage exporters in these missions, but SMEs have limited capacity for this activity.

Previously, Māori and government had an adversarial relationship on trade. Now, through FOMA and Te Taumata, a better understanding of Māori interests is emerging and an effort to make sure Māori are there without information imbalances, to advance Māori interests in FTAs. "It's a sea-change." Minimising information deficits about the EU and the NZ-EU FTA and protecting mātauranga in every aspect in the EU are priorities for Māori enterprise. There is

alignment and support for the treaty exception, but some doubt about whether its effect is real or imaginary.

Equity for Māori enterprise in FTA implementation

Making sure there is equitable opportunity alongside a non-Māori business to take advantage of the NZ-EU FTA is critical. The hope is that mātauranga Māori is protected in the EU. Māori exporters' information needs about the NZ-EU FTA must be satisfied for the NZ-EU FTA to work. This takes relationships, being in market, it takes money, it takes entrepreneurs away from the business, which may prevent some firms from using the NZ-EU FTA. Equitable opportunities at participating in trade missions and more Māori-led trade missions are needed. Poutama has a close relationship with Māori Women's Development Incorporated (MWDI) and NZMT, with a long-standing track record of mutual support. The banks, law firms, and consultancies are all leaning into the Māori economy, making sure their products and services appeal to Māori enterprise. Māori enterprise must be afforded an opportunity to collaborate to grow the Māori economy. There is no one entity alone that speaks with authority for Māori business interests. MFAT has made some positive changes to the way it engages with Māori, but complacency is a risk.

Māori economic benefits

Europeans want to live more sustainability by reducing their impact. For Māori, it's how we have lived and can live in the future. The opportunity for Māori enterprise to support such aspirations with its offering. The Māori economy should gain from its land- and moana-based activity. Fresh kaimoana to the EU is less likely, but agriculture, beverage, especially wine, and non-alcoholic beverages with Indigenous ingredients might find a willing EU customer. Food or beverage that offers uncompromising quality, the authenticity of local production and food provenance should command premium prices and avoid doubt about quality. Aotearoa New Zealand enterprises are not going to flood the EU market, so there should be no concern about that from EU firms.

Māori values and relationships critical for trade

Māori values are important in trade. Trade is based on relationships, knowing each other's interests, whakawhanaungatanga (relationships), mōhiotanga (knowing), māramatanga (understanding), the treaty exception, kaitiakitanga (guardianship), knowing the government is protecting Māori interests. Māori are confident they can trade with the EU, which may include Māori sector-based trade delegations to EU markets.

6.17 Māori tourism and trade

New Zealand Māori Tourism

New Zealand Māori Tourism (NZMT) was established in 2004. It operates as non-government organisation with annual funding coming from Te Puni Kōkiri. NZMT advocate and support the Māori tourism sector and protects services of Māori tourism enterprises. Māori tourism enterprises are distinguished by whakapapa. Available data shows there are around 1,300 to 1,500 Māori tourism enterprises, while NZMT has around 600 registered members. The priorities for Māori tourism include the post-covid environment, workforce shortages;

provider capability; support for Māori tourism enterprises; marketing and differentiation; and Qualmark accreditation.

Māori tourism and NZ-EU FTA

Trade and tourism have a connection that should not be overlooked. Tourism does not appear to feature in the NZ-EU FTA, yet tourism and trade are mutually beneficial. Tourism and trade stand to gain from improved diplomatic relationships with the EU and visitors seeking New Zealand products on their return home. The NZ-EU FTA has the potential to increase people-to-people relationships and exchanges. The focus should be on how culture can form a foundation for relations with Europe. The global business environment is focused on sustainability and climate change. Visitors are conscious now of travel costs and the environment. Climate conscious consumers are preferring local travel. Virtual reality technology may attract overseas visitors before they arrive. The challenge is how to transition from high visitor throughput to quality offerings with fewer visitors. Aligning Māori tourism offerings EU consumer sentiment on sustainability is a challenge.

Realising gains for Māori tourism enterprises

The Māori chapter is a good start but make it real is the next step. The EU offers Māori tourism enterprises a different market but how does the Māori chapter to advance this market. Building connections, sharing perspectives, increasing awareness, increasing quality offerings, and increasing visitors Māori tourism's expectations of the NZ-EU FTA. Direct marketing using digital technology may reduce intermediaries and increase margins for Māori tourism enterprises. Māori trade delegation would support Māori tourism growth in the EU, but this requires significant funding and collaboration with agencies, especially for smaller Māori tourism enterprises.

6.18 Europe Union and Māori trade

Indigenous trade new for EU trade negotiators

The European Commission (EC) negotiates for the EU's 27 member states, using negotiators who are in charge of chapters, but the EC did not have an Indigenous person. We created a new job in the trade negotiation team which had to be confirmed by member states. We are accountable to member states and the EC goes back to check with each of them. This was put to member states who agreed that it was valuable and useful. The Māori trade chapter would not have come into being because Brussels did not have this on their minds. The first time I met Chris he said we need a Māori chapter; I said it is not going to happen. We have come a long way since then; it's great that we have the chapter.

Treaty of Waitangi and trade

We have come to know the treaty partnership by living here. We were explaining to Brussels that it was important to have the treaty in the NZ-EU FTA. Our job was as an interpreter of the chapter working closely with the lead negotiator. We can now proudly say this has lifted EU trade policy. Everyone who is exposed to tikanga (Māori culture) realises its value for the EU and Aotearoa New Zealand. Aotearoa New Zealand wanted a Māori and Indigenous chapter,

but the EU has only one Indigenous people, the Sámi, because other minorities are not recognised under UNDRIP, so are not part of our trade policy agenda.

Benefits of the NZ-EU FTA for Māori

The benefits include lower tariffs, reduced compliance, and more frictionless trade, but there are a couple of tariff lines—beef and dairy—that are not as good as Aotearoa New Zealand might have wanted. Honey, seafood, timber, kiwifruit, from day one, tariffs go to 0%. Geographic indications, while controversial, are valuable because of the premiums they command. Māori can now consider incorporating GIs into production systems. Creating connections, which Māori, MFAT and NZTE are keen to do, is another benefit of the FTA because it is easier to trade if you know someone who can open a door for you. Language differences can be a barrier and the massive size of the EU, which has lots of rules. The FTA includes help for SMEs to access the EU market. It's better that Māori are encouraging Māori engagement in the EU than agencies. There is potential for collaboration between the EU and Māori on Māori and Indigenous cooperation, research and commercialisation, and exchanges.

6.19 European Union perceptions

How the EU is seen and sees itself

The EU is vain, it has an ego. It wants to know what others think of it and it wants to be seen in a favourable light. It wants to be influential and assertive, and it wants to look after its people's interests. There is a woeful understanding of what the EU is and how it interacts with Aotearoa New Zealand. The EU is misunderstood or is seen through British eyes. The EU is significant for Aotearoa New Zealand but tends to be represented as a single market. There was a passive hostility toward the EU in Aotearoa New Zealand because Britain joining EU was seen as betrayal.

The FTA normalises EU relations, but economic transformation is not expected

The NZ-EU FTA is a benign deal, it will not transform the economy, but it normalises EU-NZ relations post-Brexit. There is no spare capacity on the Aotearoa New Zealand side to export any more than it does unless we stop trading with China. The EU produces have a strong internal market, so exporting doesn't have the same priority as it does for us. So, there is no great priority to export to Aotearoa New Zealand and no capacity here to flood the EU. From an EU view, the NZ-EU FTA corrects an anomaly of Aotearoa New Zealand not having a friendly relationship with the EU, which has been the world's liberalisation champion. From the Aotearoa New Zealand position, the EU has farmers as well, so the NZ-EU FTA is sensitive for them. The FTA is a bit imaginary as Aotearoa New Zealand has never really exceeded the quota limits that were there before because most product went to China and elsewhere. We do not have the capacity to push the limits of the NZ-EU FTA and the EU was okay about that as they didn't see Aotearoa New Zealand product flooding their market.

FTA moves beyond Brexit

For Aotearoa New Zealand, the NZ-EU FTA removes some tariffs that were problematic, kiwifruit is a prime example. The Indo-Pacific trade focus has become a central issue and the NZ-EU FTA fits with that.

The Indigenous chapter is unusual for the EU, but it recognises that the EU and Aotearoa New Zealand are trying to move beyond the British shadow of trade with the EU since Brexit. The FTA is not really about trade, the trade elements are not that significant; there are bigger geopolitical matters at stake. The perception of the EU in the Asia Pacific region as a strategic or security partner or as an agricultural market is not a favourable one.

EU Indo-Pacific strategy

The Indo-Pacific strategy means the “French” are the only EU state that has a presence in the Pacific. The EU has not been favoured by foreign affairs, but reliance on China has given New Zealand impetus to change their stance. In the EU Indo-Pacific strategy, the EU in its transparent way is saying these are our interests in the Indo-Pacific. The English-speaking Australia, United Kingdom, and United States (AUKUS) alliance is purely a security arrangement, but the EU Indo-Pacific strategy is more comprehensive involving security and six other aims. The difference is that the AUKUS capacity for security is real, they have military power, but for the EU their security presence is France. Most of the EU’s security capacity focuses on Europe and Africa because of migration risks.

Indigenous and ethnic relations in the EU

Indigenous trade is new for the EU. Some EU member states are reluctant to profile Indigenous peoples because of these sensitivities. EU is obsessed with GIs, but if Māori can brand certain products using GIs there could be advantages, but the conditions for it are rigorous. Quality control for the EU is paramount, which has rigid health and safety regulations; meeting them is going to be biggest issue for Aotearoa New Zealand exporters.

7. WHAKAMĀRAMA—DISCUSSION

7.1 Māori and the European Union

Aotearoa New Zealand has long sought an FTA with the EU because it is such a large, high value market with whom Aotearoa New Zealand did not have a favourable relationship. With the UK's exit from the EU, an FTA with the EU became a distinct possibility, which was crystallised via mutual agreement to commence negotiations toward a NZ-EU FTA in October 2015 (Manatū Aorere, 2017). Māori were to be consulted on the NZ-EU FTA and a treaty exception clause to be inserted as an established mechanism for the New Zealand government to reserve its right to make policy favouring Māori to meet its treaty obligations to Māori.

For Māori, trade with the EU via the NZ-EU FTA was viewed both favourably and unfavourably. Some see trade as fundamental to the prosperity of Māori communities because it enables them to establish or grow enterprises as suppliers of goods and services to EU markets. Māori were interested in the advantages of improved market access for goods exports, but also in innovative sectors that could benefit from the EU's research capability, investment, and markets. Māori also saw the cultural connections with Europe as good grounds for renewing relationships with the EU. For instance, having loved ones buried throughout the EU during both world wars (Department of Internal Affairs & Stats NZ, 2017), prowess in sports and art (Butterworth, 1990; Palmer, 2007), and intrigue in Māori approaches to business (Mika et al., 2022). Māori were also interested in meeting tribe-to-tribe and developing Indigenous economies inside and beyond the EU with Pacific states which have postcolonial ties that EU members are wanting to resurrect with a focus on trade (European Union, 2022a). The relationship must be mana-enhancing for Māori and the EU for it to be enduring and effective.

A less favourable outlook toward the NZ-EU FTA with the EU was expressed among Māori in terms of doubt about the state and quality of the treaty relationship between Māori and the Crown. There was concern that economic benefits might be used to outweigh the Crown's moral and legal responsibilities to Māori and that Māori cultural and intellectual property remained unprotected. Waitangi Tribunal findings on contemporary and kaupapa-based claims to do with mātauranga and trade provide grounds for unease about the Crown's capacity to keep its promises under te Tiriti o Waitangi, as well as the historical accounts in treaty settlements. A further concern was that domestic policy on Wai 262, for instance, had not been sufficiently advanced to ascertain how Māori interests might be protected under a treaty exception.

While there was high-level EU support for Aotearoa New Zealand, negotiations revealed underlying misgivings about Aotearoa New Zealand exporters disrupting their producers. The EU and Aotearoa New Zealand's perceptions of each other are relevant for Māori interests. For its part, one participant described the EU as being vain and that it has an ego; it wants to be seen to be doing in good for its people and the world, which is reflected in its interests in Aotearoa New Zealand being broader than trade. There is no significant financial advantage in an FTA for the EU. Their interest had more to do with protecting their producers' intellectual property rights through geographic indications for products that originate from the EU, challenging the anticompetitive nature of single desk sellers like Zespri, parallel importing, and the limited protection given to branded medicines.

In return for such interests, Aotearoa New Zealand would benefit from lower tariffs, reduced compliance, and more frictionless trade. For Aotearoa New Zealand, the NZ-EU FTA was expected to correct an anomaly of the country not having a friendly relationship with the EU, with Britain joining EU seen as a betrayal. Thus, NZ-EU FTA was expected normalise relations with the EU post-Brexit, to open markets that had been closed to us, and to 'level the playing field' with overseas competitors who trade with the EU without the tariffs our exporters pay. One participant, however, considered the NZ-EU FTA's economic prospects somewhat imaginary as quota limits to the EU had not been exceeded. Moreover, the EU has farmers who are sensitive to any disruption to their productive activity and any possibility of displacing their internal market (particularly, in dairy and beef) was one that Aotearoa New Zealand was keen to avoid.

The EU was initially unsupportive of a focus on Māori and Indigenous trade because it did not have recognisable Indigenous peoples spanning its borders apart from the Sámi; instead, it prefers to deal with people as ethnic groups. Māori participants have highlighted that the EU's connections in the Pacific, which have geopolitical as well as trade implications, and see themselves as keys to facilitating these Indigenous reconnections. Māori also observe that the EU, like the rest of the world, is increasingly exploring trade and business in places owned and controlled by Indigenous peoples, or over which they have customary authority. An Indigenous trade focus in the NZ-EU FTA as far as Māori are concerned, therefore, extends to the impact of the EU's trade with Indigenous economies beyond Māori and Sámi. The EU's Indo-Pacific strategy, which is more comprehensive than the AUKUS because it involve security and six other aims is an example of this.

7.2 Māori interests in the NZ-EU FTA

The trade negotiations process was conducted over 12 rounds from July 2018 to March 2022, with the NZ-EU FTA concluded on 30 June 2022. According to te Manatū Aorere (2018a) the government was committed to ongoing engagement with Māori, ensuring that the NZ-EU FTA does not impair the government's ability to make policy for Māori, including the treaty exception clause, reserving the right to apply future intellectual property rights protections. In the end, te Manatū Aorere (n. d.), report that a treaty exception clause was included in the NZ-EU FTA along with a Māori trade and economic cooperation chapter to advance Māori economic interests. Furthermore, there was "regular engagement with Te Taumata, Ngā Toki Whakarururanga, National Iwi Chairs Forum and the Federation of Māori Authorities" (Manatū Aorere, n. d., p. 1). In 2019, BERL completed a report for Manatū Aorere and Te Puni Kōkiri on Māori interests, noting the value of the EU market to Māori enterprises and the need for intellectual property rights protections and support for Māori small-to-medium enterprises (Schulze & Reid, 2019).

Māori interests feature most decisively in the NZ-EU FTA text in the Māori Trade and Economic Cooperation chapter, enabling Māori to benefit and "cooperate to advance Māori economic aspirations and wellbeing" (Chapter 20) and in the Tiriti o Waitangi exception, which allows the government "to adopt policies it considers necessary to fulfil its obligations to Māori" (Chapter 25) (Manatū Aorere, 2022g, p. 1). Participants generally welcome the advent of the Māori trade chapter, which sets out broad areas for cooperation, but its unenforceability and the lack of a responsible committee for its activation is a concern for some Māori. While

initially unsupportive of the Māori trade chapter, the EU credits the NZ-EU FTA as lifting EU trade policy and exposing it to Indigenous perspectives on culture and trade. The government was committed to collaborating with Māori to implement and activate the chapter, despite concerns about the absence of a chapter-specific committee responsible for this. The Māori trade chapter would not have come into being because Brussels did not have this on their minds. Now that the Māori trade chapter is in the NZ-EU FTA, the EU proudly regards this agreement as having lifted EU trade policy. There was an expectation that the Māori trade chapter needed to be activated through conversion into business opportunities for Māori.

Additional Māori interests provided for in the NZ-EU FTA include tariff elimination for mānuka honey, geographical indications, trade and gender equality, Indigenous knowledge in sustainable food systems, and Māori representation on a domestic advisory group and a civil society forum (NZTE, 2022b). Māori are also expected to benefit from 91% of trade entering EU duty-free on EIF, increasing to 97% after seven years and tariff savings on Aotearoa New Zealand exports of \$110m after seven years (Manatū Aorere, 2022d, 2022e). While promoted as a major achievement of the NZ-EU FTA, tariff elimination is not expected to be the future of FTAs according to one participant, with trade agreements expanding in the scope of matters to which they deal. This is supported by another participant who suggests that the NZ-EU FTA is more about geopolitical interests in the Pacific region, which are already influencing the market destinations of Māori exports.

7.3 Treaty partners

Officials use the term ‘treaty partner’ to refer to the Federation of Māori Authorities, Te Taumata, Iwi Chairs Forum, and Ngā Toki Whakarururanga. These entities comprise nationally representative Māori organisations with whom officials routinely engage on trade policy, although other Māori organisations may regard themselves as having a similar claim to this status such as the New Zealand Māori Council, Māori Women’s Welfare League, and indeed iwi themselves. There is a deeper question at stake here, which is who is the treaty partner? Is it all tāngata whenua individually or collectively, or both, or just those who resemble a corporate form, which is sufficiently recognisable to the Crown that it makes engagement less fraught and more firm. Nonetheless, this section presents views expressed by treaty partner organisations engaged in trade policy as well as Māori enterprises who have an active interest in trade, one in horticulture and another in trade facilitation.

A key aspect of the process concerns the status of the Treaty of Waitangi in governing the relationship between Māori and the Crown and its officials on trade negotiations. For Māori, it is vital the status of the treaty is recognised, a trusting relationship with officials develops because of concerns about the risks to Māori rights and interests in mātauranga Māori and cultural and intellectual property. For the most part, treaty partner representatives expressed trust and confidence in the chief negotiator to get the best deal for Māori the nation. This trust was reciprocated by trade negotiators through the sharing of text with treaty partners, once the EU had agreed to this and participants had signed confidentiality agreements. Sharing text was an indication of the difference between stakeholders and treaty partners for officials. Industry would receive advice on content, but not text because they were regarded as a stakeholder, one with whom officials had had a somewhat difficult relationship. An official envisaged a future where the sharing of trade agreement text with Māori was a matter of course, but this is not a widely held view or practice within Manatū Aorere. The ideal treaty

relationship is rangatira-to-rangatira engagement where Māori leaders were engaging in high-level dialogue directly with ministers, which accords with the status of the treaty as a constitutional document and the treaty principle of partnership. It was also important that the treaty partner engagement is adequately funded.

For Māori, the involvement of treaty partners and wider Māori still felt like it is viewed as input from a stakeholder within a process over which Māori had little say. While no single organisation speaks for Māori, there was a need for a process which allowed Māori to decide on their representatives in trade negotiations to keep the process manageable and effective. What that process looks like is for Māori to decide. Officials engaged with four treaty partner entities during negotiations, including Te Taumata, Ngā Toki Whakarururanga, FOMA, and to a lesser extent the Iwi Chairs Forum. Te Taumata tend to take a pragmatic stance, positioning Māori to secure an equitable share of trade as an opportunity for Māori wellbeing. Ngā Toki Whakarururanga tend to take precautionary approach, which emphasises the protection of Māori rights and interests because an imbalanced treaty relationship exists between Māori and the Crown. Both entities are necessary for Māori trade and economic success with the EU and other trading partners.

Ngā Toki Whakarururanga focuses on ensuring there is integrity in governmental institutions for Māori, a stance that has been uncompromising and at times has felt abrasive for younger officials, but it is a position that is based on a legacy of treaty breaches by the Crown and a constant struggle to correct them. The outcome is hopefully institutions in the form of FTAs, for example, which protect Māori rights and interests. Te Taumata, FOMA, and Iwi Chairs Forum are probably closely aligned in ideology but differ in their constituencies and approaches. Like Ngā Toki Whakarururanga, these organisations are underpinned by te tiriti but take a more conciliatory approach because Māori and iwi enterprises are either actively engaged in trade or considering it and must be enabled to do because Māori wellbeing depends on this.

There were a range of views about the extent to which Māori wanted to be involved in the negotiations process. Te Taumata appreciated the direct access to lead negotiators and the NZ-EU FTA text reflecting a growing degree of trust, which they value as part of an ongoing relationship with officials on trade. FOMA was comfortable with not being at the negotiating table or in every meeting, expressing confidence that the negotiators were clear about Māori expectations and the diversity of channels for engagement they had available to them. Ngā Toki Whakarururanga in their tiriti assessment of the NZ-EU FTA express a preference for Māori to have a seat at the negotiating table. This is consistent with their view of Māori and the Crown being equal partners under te Tiriti o Waitangi. This is a preference that officials, however, could not guarantee during the NZ-EU FTA negotiations.

A further concern Māori expressed was about the adequacy of funding for treaty partners to contribute to the NZ-EU FTA process and outcomes. While officials were well-resourced to participate in trade negotiations, Māori felt that for the most part they did do so with inadequate funding. This compromised, in their view, the quality of Māori engagement in trade negotiations. Tensions between Māori treaty partners was also attributed to this circumstance because it caused competition among entities for limited funding.

As treaty partners, the government is committed to protecting Māori rights and interests under the treaty exception clause at Chapter 25 of the NZ-EU FTA. While criticised by some as being substandard in terms of the wording that is used, the treaty exception means the government is not prevented from meeting its obligations to Māori. Given that the treaty exception had not been tested, some participants were concerned about whether the protection offered would be effective for Māori enterprises trading in the EU. An example of Māori exporter losing the ability to trade product under their own brand was cited.

7.4 Māori economy

In this assessment, the economic impact of the NZ-EU FTA for Māori was estimated by emulating the Walmsley et al. (2022b) model and matching this with a range of growth scenarios in the Māori economy based on the work of Nana et al. (2021). The model produced an estimate of the real GDP that could be expected to accrue to the Māori economy as a result of the NZ-EU FTA, which ranges from \$80m to \$150m, with \$110m the most likely outcome by 2040. While the NZ-EU FTA might not deliver Māori a transformative economic gain, the \$110m growth in Māori real GDP is significant. The model assumes a growth rate of between 6% and 8% for the Māori economy, with one-third of the Māori economy being exposed to trade. The modelling suffers from the same limitations as Walmsley, however, in that the distributional effects on Māori wellbeing could not be determined because of limitations in data and methods, which are discussed in the whai hua section.

Overall, the NZ-EU FTA is positive for the primary sector, with improved market access presenting producers with an opportunity. The advantage of the NZ-EU FTA is that it removes tariffs on most products for a market of 450m people. Additionally, Māori enterprises in the primary industries are investing in innovative biocultural products and technologies anchored in mātauranga Māori and wellbeing. The FTA presents scope for Māori enterprises to use Māori values as part of an Indigenous provenance narrative, increasingly valued by international consumers (Rout, Zhao, et al., 2022). Māori owners in these enterprises want to retain the right to use the technology and innovations they create and are cautious in their approach to investors, property rights, and development. When considering exporting to the EU, Māori enterprises must comply with sanitary requirements, rules of origin, and quota authorisation.

Māori innovation potential is supported through the digital trade provisions of the NZ-EU FTA, but there are concerns for the protection of Māori cultural and intellectual property. There is potential for more Māori tech start-ups to benefit from digital trade given Māori technology exports by revenue for Māori enterprises that NZTE works with is nearly 30%. Market selection the critical issue for Māori enterprises considering the EU. Evidence suggests that tariff reductions are likely to be an insufficient incentive for Māori exporters to shift from their present markets to the EU. Further, trade and tourism have a connection that should not be overlooked because tourism and trade can be mutually beneficial. Tourism and trade stand to gain from improved diplomatic relationships with the EU.

7.5 Intellectual property

Intellectual property is a key element of the NZ-EU FTA, which is addressed in Chapter 18. Despite the treaty exception allowing the Crown to protect Māori intellectual property in

future policy, the appropriation of mātauranga Māori and Māori concepts contained within the NZ-EU FTA is a concern for Māori. While Māori could look to position Aotearoa New Zealand using geographical indications in the way EU countries do, treaty policy and the government's response to Wai 262 are deemed to be insufficiently advanced to support this. Moreover, the tribunal advises that the Crown must set a floor not a ceiling for the protection it offers Māori. Wai 262 will also have implications for digital trade, but the government's response in Te Pae Tawhiti is still evolving (Te Puni Kōkiri, 2020).

Geographic indications are a form of intellectual property where a product's geography makes it unique. GIs have the potential to offer advantages to Māori branded products but domestic protection in the products home country is required before it can be protected in the NZ-EU FTA. Aotearoa New Zealand agreed to GIs in the NZ-EU FTA, but there were some products that are lost to Aotearoa New Zealand producers as a result. The EU asked us to protect about 2,000 product names. Whether a GI is it offensive to Māori was added as a condition for GIs in the NZ-EU FTA. Māori enterprises can now consider incorporating GIs into their production systems and explore potential for collaboration between the EU and Māori.

This FTA requires use digital trade processes, which has the advantage of being weightless. This means Aotearoa New Zealand must ensure that our domestic standards for trade are consistent with EU standards. Simply put, electronic documentation facilitates paperless trade. Export growth is, however, subject to finance, with access to finance previously identified as a barrier for Māori enterprise (Reserve Bank of New Zealand, 2022). Most Māori tech companies think the United States as their first market, but there is ongoing uncertainty about what protection the treaty exception offers.

7.6 Māori wellbeing

Wellbeing is a primary reason for trade, but it is difficult to define, quantify, measure in ways that have meaning and effect for Māori at the scale of the whānau and the enterprise (Mika et al., 2022; Reid & Evans, 2022; Rout, Spiller, et al., 2022). Advancing Māori aspirations and wellbeing, for instance, are aims of the Māori trade and economic cooperation chapter. While analysis explicitly identifies the NZ-EU FTA's association with the living standards framework and enacting progressive principles of the Trade for All agenda, these frameworks have not been incorporated into economic modelling (Walmsley et al., 2022b). New analytical frameworks are, however, making greater effort to consider sustainability, inclusivity, and Indigenous rights and interests. These include the Productive, Sustainable, and Inclusive Trade Channel (PSITC) framework (Mellor, 2021), the OECD's trade and gender framework (Korinek et al., 2021), and the BKP Economic Advisors (2020) integrated framework. BKP provides a compelling assessment concluding that pre-existing vulnerabilities can be expected to limit the benefits of the NZ-EU FTA on Māori and the environment given socioeconomic and environmental data. A possible future requirement for NIAs is for them to assess the extent and in what ways FTAs uphold the principles of the Trade for All agenda for inclusion of Māori in trade, a broader definition of trade, and treaty-based partnerships with Māori.

Additional opportunities that arise for Māori from the NZ-EU FTA include collaboration with the EU to enable access to science capability and funding for whānau enterprises to diversify beyond horticulture to add new biocultural products. The EU's Horizons Science Fund was mentioned as a possible source of science capability for Māori. One participant familiar with

EU research recommends Māori work with an established provider of research to the EU. Collaborative research could include Māori enterprises' climate change responses and preparedness (Beall & Brocklesby, 2017), advance Wai 262 Māori rights in taonga, mātauranga Māori, and Māori cultural and intellectual property. The Māori economy should gain from its land- and moana-based activity given its trade exposure is in primary industries. However, quota restrictions and productive capacity limitations in the Māori economy offering negligible economic gains.

7.7 Implementation of the NZ-EU FTA

Implementation is everything that occurs after entry into force of the NZ-EU FTA. Māori want to be part of the implementation process and officials want the same for them. Some initiatives to activate Māori trade, include joint trade missions, post-implementation reviews, Māori participation in the advisory groups, a Māori trade desk, Māori trade commissioners, and Māori trade envoys would enhance Māori success in trade with the EU. It would be useful says one participant to have two or three Māori trade envoys covering general, tourism, and primary industries. There is a need for both an implementation plan for the NZ-EU FTA and adequate funding for Māori participation this process. Trade missions helped build awareness and relationships, but exporters must be involved for them to be effective. As treaty partners, Māori be part of the review of the NZ-EU FTA in 3-5 years. Equitable opportunities in participating in trade missions and more Māori-led trade missions is needed, including Māori tourism enterprises and sector leaders.

8. WHAKAPAUNGA KŌRERO—CONCLUSION

This report set out to provide an independent assessment of the key outcomes of the NZ-EU FTA for Māori as a contribution to the National Interest Analysis for government. In early March 2023, Manatū Aorere engaged Ace Consulting to conduct the assessment following a competitive tender. The final report was completed in May 2023. A kaupapa Māori methodology was developed for the assessment. This involved several steps, including a systematic document review (whai hua), modelling to estimate the economic impact for Māori (whai rawa), interviews with Māori and officials involved in the negotiations (whai whakaaro), and a synthesis of the qualitative and quantitative elements (whakamārama). Critical to the success of this work was whakawhanaungatanga, establishing relationships with officials and the team to understand the task and agree on expectations. One of the expectations was for a short report. On that count, the assessment was unsuccessful. In discussion with Manatū Aorere, however, there was general agreement that the report provided useful content. Some content may appear out of scope, but the holistic assessment framework and participants' openness means a richer picture of the NZ-EU FTA is provided. The generosity of the treaty partners, officials, and others to share their insights, and in the case of Ngā Toki Whakarururanga and Te Taumata, their written assessments, is gratefully acknowledged.

The negotiations were approached with a view to ensuring that the Crown's obligations to Māori under te Tiriti o Waitangi were upheld, and that outcomes for Māori were apparent in the outcomes of the NZ-EU FTA. Trade negotiations were conducted through Covid-19 and under urgency, with expectations of treaty partner involvement. In assessing available documents, talking with treaty partners and others, and estimating economic impacts, the assessment found that Māori as treaty partners were engaged in the NZ-EU FTA negotiations process and officials point to specific instances where their input made a significant difference. Māori are recognised in this process as treaty partners, which is distinct from stakeholder relations with industry for example. A degree of trust and respect between treaty partners and negotiators was evident. There are, however, concerns about the process, content, and outcomes of the NZ-EU FTA for Māori. They include concerns about the ability of the NZ-EU FTA to protect mātauranga Māori, Māori treaty rights and interests, and the cultural and intellectual property of Māori. While the treaty exception reserves the government's right to make policy that is favourable to Māori, there is concern that domestic policy, particularly in relation to Wai 262, lags behind commitments made under the NZ-EU FTA.

The assessment indicates that Māori stand to benefit alongside non-Māori from reductions in tariffs, non-tariff measures, quota liberalisation, and improved trade facilitation as a result of the NZ-EU FTA, but the extent and distribution of such benefits accruing to Māori firms and whānau are not clearly visible. Officials are working on improving the ability to measure distributional benefits, which is reflected in frameworks that account for sustainability, equity, and inclusion of diverse groups. The preponderance of Māori economic activity in sectors such as horticulture, fishing and seafood, and mānuka honey, for example, enable benefits to Māori firms to be inferred. The growth of Māori tech and biotech service-based enterprises presents an emerging opportunity for investment in weightless Māori exports and investment in Māori innovation through relationships with the EU and its research and science capability. Treaty partner involvement in the implementation of the NZ-EU FTA is critical to realising outcomes for Māori in both economic and noneconomic terms.

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TĀPIRITANGA ANNEX 1—TERMS OF REFERENCE



Commercial Division

3576 - Independent Assessment of the Key Outcomes of the NZ-EU FTA for Māori: Request for Quote

BACKGROUND

- The Ministry of Foreign Affairs and Trade (MFAT) is seeking to appoint an external Supplier to provide an independent assessment of the Key Outcomes of the NZ – EU Free Trade Agreement (FTA) for Māori as part of the National Interest Analysis (NIA).
- This independent assessment will be an important contribution to the NIA, which is a key tool to inform Ministers, Treaty partners and stake-holders about the FTA and the benefits and costs of the outcome. This review would also align with the recommendations of the Trade for All Advisory Board (TFAAB) which suggested the need for more independent analysis in the preparation of NIAs.

REQUIREMENTS

This assessment would focus on the FTA goods market access outcome, as this is an area in which Māori exporters have strong interests, and more quantifiable data is available (including separate CGE modelling commissioned by both New Zealand and the European Commission – see Attachment 1: Relevant Materials for Reference). The assessment would also consider other key areas of the NZ – EU FTA in which Māori have particular interests, including: services and investment, geographical indicators, digital trade and the Māori Trade and Economic Cooperation Chapter.

The ideal supplier must demonstrate the following:

- Understanding of the Government's Trade for All agenda in the context of trade policy;
- Experience in undertaking analysis in a similar field of work in economics, and/or trade policy;
- Understanding of Te Ao Māori and Māori interests in FTAs, including both offensive and defensive interests, and with a particular, but not exclusive focus on goods trade with the European Union, but also other including other important policy areas as outlined above;
- Capacity to start by mid to late February and deliver within 4 – 6 weeks of commencing the work.

The expected output will be in a form of a short report (10 – 25 pages) with appropriate appendices and appendices attached, if needed.

The successful Respondent will need to conduct interviews with key Treaty partner representatives (e.g. Ngā Toki Whakaururanga and Te Taumata) during the course of the review to ensure that those views and positions are reflected in the independent analysis.

The standard contract is the Government Model Contract (GMC) for Services (see Attachment 2 and Attachment 3 for GMC Schedule 2 Terms and Conditions).

EVALUATION PROCESS

- Respondents are invited to present their response to the Evaluation Panel (in person and/or via zoom) the week of 13 February 2023. The exact date and time of the presentation will be arranged with you separately.
- Respondents will have 45 minutes to deliver their presentation and up to 15 minutes for clarification questions from the Evaluation Panel (total of up to 60 minutes).
- Respondents are to submit an electronic copy of their presentation, completed RFQ Response Form (See Attachment 4) and financial information relating to price and costs separately via the Government Electronic Tender Site (GETS) by 5pm, 13 February 2023.
- Respondents' presentations must cover the key criteria and questions listed in this RFQ and Attachment 4 – RFQ Response Form.
- The Evaluation Panel will independently score presentations against the criteria listed in this RFQ during each presentation. The Panel will discuss and agree the scoring of each presentation relative to other presentations during the moderation.
- How you structure your presentation is entirely up to you.
- Our intention is to select the successful Respondent on the week of the presentations and to notify the successful Supplier within a week (subject to internal approvals). Please ensure no more than four (4) people from your organization attend the presentation.
- Please note for the Tender rules please see Attachment 5: RFQ Terms and Conditions.

ATTACHMENTS

Attachment 1: Relevant Materials for Reference	Attachment 4: 3576 RFQ Response Form
Attachment 2: Draft Government Model Contract	Attachment 5: RFQ Terms and Conditions
Attachment 3: GMC Schedule 2 Terms and Conditions	

PRESENTATION EVALUATION CRITERIA

CRITERIA	THE RESPONDANT DEMONSTRATES:	WEIGHTING
Capability and Capacity to deliver	The Respondent demonstrates credible team members who are relevant to this project.	Pass/Fail
Technical knowledge and expertise	The Respondent demonstrates relevant experience, expertise and capability to undertake quantitative and/ or qualitative analysis in a similar field of work in economics, trade policy, or other relevant policy areas.	30%
Cultural Knowledge and expertise	The Respondent demonstrates: Relevant experience, expertise and capability in Te Ao Māori to understand Māori interests in FTAs, including both offensive and defensive interests (e.g. goods market access, services and investment, Intellectual property/ geographical indicators, digital trade and Māori Trade and Economic Cooperation chapter) and is able to apply appropriately to the analysis.	30%
Methodology/Solution and Outcomes focus	The Respondent: • Demonstrates a relevant methodology/solution that reflects understanding of MFAT's requirements to deliver the required output (report) in full, on time and within budget; • (If any) Identifies key risks with their solution and how they will mitigate/manage them.	20%
NZ Government Priorities	The Respondent demonstrates an understanding of the Government's Trade for All Agenda in the context of trade policy, in particular the outcomes of the NZ-EU FTA.	10%
Pricing/Quotes	The pricing proposal (fixed total cost) is competitive (delivers good value for money) and identifies comparable costs/assumptions.	10%

SCORING TABLE

Score	Description	Weighting
9-10	Excellent: Respondent demonstrates exceptional ability, understanding, experience and skills. The Proposal identifies factors that will offer potential added value, with supporting evidence.	9-10
7-8	Good: Respondent demonstrates above average ability, understanding, experience and skills. The Proposal identifies minor additional benefits, with supporting evidence.	7-8
5-6	Acceptable: Respondent demonstrates the ability to meet the criteria, with supporting evidence.	5-6
3-4	Reservations: Satisfies only a minimum of the criteria but not all. Reservations about the Respondent to adequately meet the criteria. Little supporting evidence.	3-4
1-2	Serious Reservations: Extremely limited or no supporting evidence to meet the criteria. Minimum effort made to meet the criteria.	1-2
0	Unacceptable: Does not comply or meet the criteria at all. Insufficient information to demonstrate the criteria.	0

INDICATIVE TIMELINE (2023)

Event	Date	Action	Timeline
RFQ released on GETS	9am, 27 January	Supplier Presentations	Week of 13 February
Deadline for Supplier Clarification questions	5pm, 7 February	Select successful Supplier and notify unsuccessful Suppliers	Week of 13 or 20 February
Deadline for Ministry to answer Supplier questions	5pm, 8 February	Anticipated Contract start date	Mid-late February
Suppliers RFQ Responses Due	5pm, 13 February		

ADDRESS FOR SUBMITTING YOUR RESPONSE

Please send any clarification questions via GETS by 5pm, 7 February 2023. Questions will be responded to as quickly as possible.

Please ensure you submit a electronic copy of your Presentation, Pricing and completed Response Form via GETS by 5pm, 13 February 2023.

TĀPIRITANGA ANNEX 2—INFORMATION SHEET



INFORMATION SHEET

New Zealand-European Union free trade agreement: Independent assessment of the impacts for Māori
12 March 2023 [version 1]

HE MIHI

Tēnā koe. He mihi nui ki a koe i roto i ngā āhuatanga maha o te wā. Ko te kaupapa nei he āta tīrohia he aha ngā hua me ngā utu mō te iwi Māori i roto i te kirimana i waenganui i a Aotearoa me Iuropi e pā ana ki te tauhokohoko.

INTRODUCTION

On 30 June 2022, New Zealand and the European Union concluded negotiations on a free trade agreement. Parliament requires that a National Interest Analysis (NIA) is completed on the reasons why an FTA should be adopted, advantages and disadvantages for New Zealand, and how the FTA will be ratified, before the government implements it. As part of the NIA, Ace Consulting (Ace) has been engaged by the Ministry of Foreign Affairs and Trade (MFAT) to carry out independent assessment of the impacts (benefits and costs) for Māori from the New Zealand-European Union free trade agreement (NZ-EU FTA or the FTA). Ace director Dr Jason Mika and his team will conduct the assessment. They will report their findings by 23 April 2023.

REQUEST FOR AN INTERVIEW

We request an interview with you on the NZ-EU FTA and its impact for Māori. Participation is voluntary. Interviews may take up to 60 minutes and will be conducted at a time and day that is convenient for you. Interviews will be conducted via video conferencing (Zoom) or telephone and, with your consent, recorded and transcribed. Your name and organisation will not be identified unless you prefer for your comments to be attributed to you.

WHAT WE WOULD LIKE TO DISCUSS

We would like to have a kōrero about Māori interests in these other aspects of the NZ-EU FTA:

- Goods market access;
- Services and investment;
- Geographical indicators;
- Digital trade; and
- Māori trade and economic cooperation chapter.

TĀPIRITANGA ANNEX 3—CONSENT FORM



PARTICIPANT CONSENT FORM—INDIVIDUAL
New Zealand-European Union free trade agreement: Independent
assessment of the impacts for Māori
14 March 2023 [version 1]

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

Please tick the boxes that apply:

- I agree to the interview being sound and/or video recorded.
- I wish to have my recording and transcript returned to me.
- I agree to participate in this study under the conditions set out in the Information Sheet.

Signature

Date:

Full name

Iwi affiliation

Postal address

Email:

Phone:

TĀPIRITANGA ANNEX 4—INTERVIEW SCHEDULE



INTERVIEW SCHEDULE

New Zealand-European Union free trade agreement: Independent assessment of the impacts for Māori

15 March 2023 [version 1]

Introduction

Thanks for agreeing to talk to us about the NZ-EU FTA. The kōrero will take about 60 minutes, but we're flexible depending on the time you have. Are you okay if we record the interview? We're going to ask questions about you and your business, about trade policy generally, then about the FTA and how it might affect you, your enterprise and Māori generally.

About you

1. Where you were born and raised?
2. How did you come to be in your current role?
3. What does being Māori mean to you?

About the enterprise

4. What does the business do and how did it come about?
5. How do you define a Māori business?
6. Do you identify your business as a Māori business?
7. Is there a Māori way of doing business?
8. What goods and services does your business provide?

Māori enterprise and international trade

9. What is your involvement in and experience of international trade?
10. Why do you engage in international trade?
11. What are the challenges and opportunities for Māori in trade with the EU?
12. What is the role of the Treaty of Waitangi in trade policy?
13. What is needed for Māori to participate in and benefit from trade with the EU?

Exporting and international trade

14. Does your business export or import goods and services, or both from the EU?
15. Does your business trade with the EU?
16. If yes, what do you export to the EU?
17. If no, why do you not export to the EU?
18. How long has the business been trading internationally?
19. How did the business get into trading internationally?

NZ-EU FTA

20. What does success look like for Māori in terms of an FTA with the EU? [positive vision]

21. What benefits do you see for Māori from the NZ-EU FTA [advantages]
22. What risks do you see for Māori enterprise from an FTA with the EU? [disadvantages]
23. What rights and interests do you have as Māori in an FTA with the EU? [interests]
24. How can an FTA with the EU protect or enhance Māori rights and interests? [provision]
25. What can be done within NZ-EU FTA for Māori in terms of:
 - a. Access for Māori goods and services [lower compliance and remove tariffs]
 - b. Access for Māori to investment to and from the EU [freedom to invest]
 - c. Access for Māori to EU government and private sector contracts [procurement]
 - d. Access to trade in digital technologies and trade using digital means [access]
 - e. Protection of environmental rights and interests [protection and enhancement]
 - f. Protection of cultural and intellectual property [protection and enhancement]
 - g. Support for wāhine Māori to trade with the EU [gender, diversity, inclusion]
 - h. Support for Māori SMEs to trade with the EU [access, reduced barriers, support]

Final comment

26. Is there anything else that you would like to add or comment on or ask about?
 - a. Freedom from discrimination, prejudice and harassment as Māori
 - b. Protection of Indigenous rights under the United Nations declaration
 - c. Support services and systems for Māori who want to trade with the EU
 - d. Treaty-based frameworks for trade policy, trade negotiation, trade agreements
 - e. Low cost enforcement of Māori rights and interests in trade with EU firms
 - f. Low cost entry for Māori firms to trade with the EU
 - g. An effective mechanism to operationalise the treaty exception
 - h. Targets for Māori participation in and benefits from trade with the EU
 - i. Changes to trade policy and Māori involvement in this process
 - j. Access to work in the EU associated with Māori trade
 - k. Access to people from the EU who can work in NZ in Māori enterprises
 - l. Investment by EU firms and individuals in NZ directed to Māori enterprises
 - m. Access to high quality trade services, facilities in the EU for Māori enterprises