

CHAPTER 13

CULTURAL, TRADE, TRADITIONAL KNOWLEDGE AND ECONOMIC COOPERATION

Article 13.1

Objective

1. The Parties recognise that trade agreements play a role in facilitating and expanding trade, and economic opportunities for, with, and between people, including Māori for New Zealand, as well as addressing disparities, including to enhance trade for, with, and between them, to preserve, protect, and promote traditional knowledge, including traditional systems of medicine, and traditional cultural expressions. The Parties note that traditional knowledge and practices are important contributors to innovation, sustainability, and economic empowerment. The Parties intend to preserve and promote traditional language, culture and heritage that are vital for economic benefit and cultural continuity.
2. The Parties further recognise that integrating traditional knowledge into this Agreement can lead to shared economic growth, cultural preservation and sustainability. Further, the Parties affirm the importance of defensive protection mechanisms that assist in preventing the misappropriation of traditional knowledge, such as the Traditional Knowledge Digital Library (“TKDL”) of India and New Zealand’s Māori Cultural and Intellectual Property Committees.
3. The objective of this Chapter is to pursue mutual cooperation to contribute towards the Parties efforts to enable and advance their peoples’ economic and cultural aspirations, including Māori for New Zealand. The Parties recognise that for New Zealand, cooperation under this Chapter should be implemented in a manner consistent with te Tiriti o Waitangi / the Treaty of Waitangi.

Article 13.2

International Cooperation

1. The Parties recognise the following relevant multilateral instruments to which the Parties are party:
 - (a) the *United Nations Educational, Scientific and Cultural Organization Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, adopted in Paris on 20 October 2005; and

- (b) the *Convention on Biological Diversity*, particularly Article 8(j), adopted in Rio de Janeiro on 5 June 1992.
2. The Parties, subject to their respective reservations, affirm the following:
- (a) the *United Nations Declaration on the Rights of Indigenous Peoples*, adopted in New York on 13 September 2007 and their respective positions made on that Declaration;^{1, 2}
- (b) the *United Nations Guiding Principles on Business and Human Rights* adopted via Resolution 17/4 by UN Human Rights Council on 16 June 2011;
- (c) *International Treaty on Plant Genetic Resources for Food and Agriculture* done at Rome on 03 November 2001;
- (d) TRIPS Agreement and acknowledge the instruction provided under the *Doha Declaration*, adopted in Doha on 14 November 2001, for the Council for TRIPS to examine, *inter alia*, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by WTO members pursuant to Article 71.1 of TRIPS;
- (e) the *United Nations 2030 Agenda for Sustainable Development*, adopted in New York by the UN General Assembly Resolution 70/1 on 25 September 2015; and
- (f) *United Nations Educational, Scientific and Cultural Organization Convention on the Protection and Promotion of the Diversity of Cultural Expressions* done at Paris on 20 October 2005.
3. The Parties shall avoid duplication of any work, process or cooperation in any other fora and under this Agreement.

¹ For greater certainty, this includes qualifying statement by India at the United Nations, accessible at “General Assembly Adopts Declaration on Rights of Indigenous Peoples; ‘Major Step Forward’ towards Human Rights for All, Says President” United Nations Meetings Coverage and Press Releases (GA/10612, 13 September 2007), <<https://press.un.org/en/2007/ga10612.doc.htm>>. India notes that “India voted in favour of the United Nations Declaration on the Rights of Indigenous Peoples on the condition that after independence all Indians are indigenous”.

² The Parties agree that for India, “Indigenous Peoples” is without prejudice to India’s domestic legal classification, and any recognition of indigenous status shall be in accordance with India’s law or policy.

Article 13.3 Cooperation Activities

1. The Parties acknowledge that cooperation activities under this Chapter shall be carried out within the existing framework set out in this Agreement and be carried out through forms to be agreed upon by the Parties, that may include technical assistance, trainings, exchanges of data and information, seminars and workshops, sharing of best practices, studies, research and innovation, and awareness raising on trade opportunities.

2. To achieve this Chapter's objectives, the Parties may coordinate cooperation activities between their people, including Māori for New Zealand, as deemed appropriate. Such cooperation activities may include:
 - (a) exchanging related information on best practices, lessons learned, and technical matters among the Parties and stakeholders in the Parties;
 - (b) collaborating on traditional knowledge that may help to innovate or to adapt to new challenges;
 - (c) exchanging, preserving, documenting or cooperating in traditional medicines and healing systems, including Ayurveda, Yoga, and Naturopathy, Unani, Sowa-Rigpa, Siddha, Homeopathy ("AYUSH"), ethno-medicine, herbalist and ritual-based healing systems for India and Rongoā Māori (a multi-dimensional form of Māori care and healing) for New Zealand, that offer a holistic approach to health and well-being, including physical, mental, emotional and spiritual health;
 - (d) collaborating to enhance the ability for SMEs, Māori-owned enterprises, tribal enterprises, artisans, and community-led startups to access and benefit from the trade opportunities created by this Agreement, including through promoting information exchange on product certifications and standards, including AYUSH products, and professional qualifications with a view to improving mutual understanding and identifying potential areas for future harmonisation as well as entrepreneurship development, capacity building and other initiatives that empower SMEs, artisans, and community-led startups;
 - (e) supporting science, research and innovation links, as appropriate;
 - (f) identifying potential areas of cooperation between businesses for the mutual benefit of both Parties, and developing, supporting and strengthening business networks, cooperation and partnerships, including through trade missions;

- (g) promoting trade in sectors relevant for SMEs, Māori-owned enterprises, tribal enterprises, including businesses that relate to or derive from traditional knowledge, biodiversity, and traditional cultural expressions such as arts and crafts, dance, music and tourism;
- (h) facilitating study-abroad programmes or other similar educational or research practices, cultural exchanges, research and development;
- (i) undertake joint research projects, publications, and extra-curricular academic events;
- (j) collaborate and cooperate in training, research and teaching activities for AYUSH and Rongoā Māori (a multi-dimensional form of Māori care and healing) practitioners;
- (k) enhance the dialogue between the Parties to consolidate and expand the trade relationship, understanding, and cooperation in fields of common interest between the people of the Parties; and
- (l) any other area of mutual interest that the Parties may agree.

Article 13.4 Implementation

1. The implementation of this Chapter and activities therein shall be subject to available resources and in accordance with each Party's law and policy.
2. This Chapter does not impose any legal or financial obligations requiring the Parties to explore, commence or conclude any individual cooperation activities.
3. Resources for economic cooperation, technical assistance and capacity building under this Chapter shall be provided as mutually agreed by the Parties.
4. The activities under this Chapter shall be carried out through the Joint Commission.

Article 13.5 Contact Points

1. Each Party shall designate and notify a contact point for implementing this Chapter.

2. Each Party shall promptly notify the other Party of any change to its contact point no later than 7 days from such change.
3. The contact points shall facilitate communication, coordination, and information exchange between the Parties:
 - (a) for all matters or activities, the Parties consider relevant under this Chapter; and
 - (b) as required for coordinating between any subcommittee, working group, or other subsidiary body established under this Agreement, on matters covered by this Chapter.

Article 13.6
Non-Application of Dispute Settlement

Neither Party shall have recourse to dispute settlement under Chapter 19 (Dispute Settlement) for any matter arising under this Chapter.