

# He Tirohanga

*An assessment of what the EU FTA delivers, or could deliver, for Māori.*



# Te Taumata's EU FTA Analysis



TE TAUMATA

E hika ma, tena tatou

Our Te Taumata Board and Technical team have for two years now spent time travelling across the motu speaking and listening to whānau, community leaders, leaders of Māori Trust and Incorporations, Māori business leaders, Māori academics, Maori professional's, civic leaders about trade and especially international trade.

We heard universally from our people that trade was important as ultimately increased trade would lead to more employment opportunities for whānau as valuable world markets were opened up through new trade agreements where the particular interests of Maori were expressly represented in these enduring agreements with large trading economies and partners.

Up to now the options for Maori products and services into global markets has been limited either because of the absence of agreed trade agreements or, trade agreements that embodied barriers like tariffs and quota's that shut Maori products out of these large and valuable world markets.

Te Taumata is proud of its work on behalf of our people across the motu to have actively listened to the views of our whānau and to have actively represented these views into yet again a 'gold standard' new free trade agreement that levels the playing field for our Maori businesses and exporters.

The removal of the 25 percent tariff of seafood products is but on example of the significant benefit from this new agreement between New Zealand and Europe.

Kia ora

Chris Karamea Insley

## TECHNICAL ANALYSIS

### HONE MCGREGOR

*Te Whānau-ā-Apanui, Te Ātiawa, Te Atihaunui-a-Pāpārangī, Ngāti Kahungunu/Ngāti Kere, Ngāti Raukawa ki te Tonga, Rārua, Rangitāne, Ngāti Kuia.*

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### TE TARU WHITE

*Te Arawa; Ngati Pikiao, Ngati Makino, Tainui; Ngati Mahanga, Ngati Porou; Te Whanau-a-Ruataupare, Te Whanau-a-Hinetapora.*

BSC (Hons), MBA, IOD Certificate in Company Direction

Nōku te whenua, kei a au te kōrero  
Nōku te whenua, ko au te Rangatira!  
*Dr Apirana Tuahae Mahuika (Ngāti Porou)*



**Rere ki uta,  
rere ki tae –**  
it goes out, and  
comes back

*Trade agreements are  
about give and take*

**INTRO NOTES:** This is a plain language, narrative format analysis, with an emphasis on opportunities, risks and action planning for implementation of the EU Aotearoa FTA

## Tāhuru kōrero

### *Background*

Our vision for the EU-Aotearoa Free Trade Agreement (FTA) – centred around indigenous inspired and enabled global trade and investment architecture, that embraces the planet and serves future generations.

Our objectives were – pursuing activities with the EU that translate immediately on coming into force, into a set of concrete actions. Developing relationships of trust with the EU and its member States on areas of mutual interest and shared aspiration. Protecting the commercial and cultural interest of Māori businesses in connection with the intersecting dynamics of climate change, technology, innovation, and intellectual property.

## Tā mātou pūnga kōrero

### *Our rationale*

Indigenous peoples are caretakers of kaitiaki or 80% of the World's remaining biodiversity. We hold exclusive knowledge – tied to our languages (mātauranga) – about the planet, Papatūānuku, atua Māori and their ecosystems that we have validated over thousands of generations.

Although the Māori economy is growing faster than the national economy, its concentration in the primary sector means it is disproportionately represented in agricultural gas emissions. To address this, Māori businesses are already working to tackle their climate impact, and more Māori businesses are emerging in new high-tech, digital, services and climate-friendly sectors.

The prospect of working with climate progressive partners, signals new opportunities to fast-track our scalability, adaptation and transition. As a first step in our new relationship with the EU we want to better-enable indigenous businesses, tribal entities, indigenous research institutes and the parties' research, science and innovation (RSI) sectors to work collaboratively, to jointly contribute to, and benefit from, climate-friendly technology and innovations.

Māori enterprise, collectives and communities are transforming our living, operating and business models to engage more in advanced manufacturing, alternative zero-carbon energy technologies and digital platforms that support these next generation models of living and working with Papatūānuku.

The shared ambition of the EU, Māori and indigenous peoples globally to take urgent action, makes climate change, science, technology and innovation a natural starting point for establishing enduring political, commercial and cultural connections and collaboration through the FTA.

# Arotahi

## *Delivering on Māori aspirations through the trade agenda*

**T**e Taumata's question, that it constantly asked itself, was how can we take this trade deal back to our people and explain it using a framework that acknowledges te ao Māori (i.e., in terms that includes the 'tangas' - kaitiakitanga, manaakitanga, whanaunga-tanga and most importantly tino rangatiratanga, as sovereignty matters in trade arrangements).

Iwi and Māori incorporation economic growth rates have outpaced the NZ economy as a whole. A coalition of Māori economic advocacy and engagement around economy, government and culture have enabled significant advances in the recent past three decades, especially in the post-settlement environment. It is nation building on iwi, hapū levels.

Any trade agreement that has an enhanced view on Māori (in our many forms) must support tino rangatiratanga and sovereignty for improved economic, social, and cultural outcomes for Māori, and by virtue of that, non-Māori alike. Māori self-determination through self-government is a key approach that works to reverse the decades, and even centuries, of disempowerment and deprivation that Māori and other indigenous people have had to endure.

So, any potential 'recolonisation' of Māori as a result of this FTA is something that groups like Te Taumata, FOMA, Iwi Chairs and Ngā Toki Whakarururanga were conscious of, and something that Te Taumata feels was not, in the end, traded off.

Māori are a developing 'agency' and are coming to the negotiation table with the Crown, Crown agencies and their international partners. This is the first FTA negotiation that has held Māori in a significant partnership position throughout the process.

For MFAT, they are beginning to understand what is tika, and what is pono with regards to engagement with Māori. This includes understanding that Māori are not one reductively homogenous group. This understanding should be reflected in any future engagement strategy, building on what this EU FTA negotiations process has started.

Internally this FTA has benefited from more Māori representation at MFAT. Having internal advocates has been important. It supports 'translating' the message from iwi/hapū/tangata Māori, from outside the Ministry, into its system and areas of influence. The Trade For All report's recommendations about the Ministry building its cultural capability and promoting Māori to senior roles within it, are instructive in this regard.

For the EU, advancing and being the champions of a 'progressive trade agenda' has been important. Presenting an evolving internal construct through their member-states, that recognises the value of greater inclusiveness from civil society and the finely balanced social licence around trade. This progressive trade agenda supports indigenous kaupapa and therefore indigenous peoples' formal recognition, and of their rights and interests, too.

At the heart of this FTA there is a significant focus on cooperation. This covers cooperation on sustainable management of natural resources including forestry, fisheries and aquaculture. All of these primary industries are ones that Māori investment, enterprise and employment predominate in. The core context for Māori in the FTA is collaboration through cultural connection to deliver on the progressive trade agenda.



# Te horopaki

## Context

We understand that the context for the EU is that there is a war currently being waged in Europe. Big traders (like the European Union with a population of just under 450m) are no longer thinking of trade solely in terms of economic partnerships, as much as national and regional security.

Māori understand the global context and current movements we are affected by, but, that we can also influence, as a small island state that has held a leading role in the recognition of its indigenous population's rights and interests.

Trust in society is waning around free market open trade, and globally there is a growing policy fragmentation around these kaupapa. The diverging trade frameworks are becoming more pronounced – CPTPP, RCEP, IPEF, and also the WTO appellate body are effectively paralysed at the moment.

Trade & investment is changing. Trade diversification has to be a strategy for a small export-oriented economy like Aotearoa. We need to look at other countries for markets of scale, and some backstopping thinking about alternatives to a volatile China export market, given their geopolitical stance that could overnight affect trade relationships, with trade being much more closely linked to political posturing globally.

ASEAN has become a bigger trading partner to China than the EU, so that is a big move, and the EU is wanting to cement its positioning around the Indo-Pacific after it has largely been absent since colonisation and World War II. Protectionism still exists in the EU, which played out in the relatively paltry concessions for sheep and beef re tariff reduction timelines, but there are some gains in quota numbers.

Whether this will make a demonstrable difference to Māori sheep, beef and dairy exporters is difficult to say in the early stages, but this should pick up as the tariff and quota reductions come into effect.

Trade For All is a progressive trade agenda that Cabinet has previously unanimously supported, with the acceptance of the 2021 recommendations. Beyond the direct economic context and opportunities – this FTA is constructed through a progressive trade agenda and demonstrates that the Western World is coming to terms with holistic economies and policies, which are the ancient constructs of indigenous peoples and us, as Māori.



# Tūpuna Pono

## *From a Te Ao Māori perspective*

Our first questions in relation to the National Interest Analysis (NIA) from a te ao Māori, kaupapa Māori and Māori enterprise perspective are ... is this Free Trade Agreement (FTA) tika, is it pono and how does it advance tino rangatiratanga for Māori?

This report takes an intergenerational lens, in what leading Māori export-company, Wakatū Incorporation, coins *Te Pae Tawhiti*, which is how they describe their 500-year plan. Using this intergenerational framework, we look at this free trade agreement, and its opportunities and issues.

Our pou tarāwaho Māori (kaupapa Māori framework) focuses on:

- Whānau (people)
- Te taiao (the environment, whenua ora and tangata ora)
- Pūtea (building value)
- Ngākau hihiko (the ethic of innovation and collaboration)
- Papa whenua (preserving whenua and taonga)

All of the collaboration and commercial activities within the FTA analysis here, are viewed on the basis of how they will align with these five kaupapa Māori goals.

This Free Trade Agreement between Aotearoa the European Union (EU) with their 27 member States and just under 450 million potential consumers, has the potential to have significant economic benefits for Aotearoa as a whole. However, from a Māori perspective, there are potential concerns regarding this FTA, and how it could impact Māori cultural and economic interests.

There have been concerns about the potential impact on our whenua and moana as well as other natural taonga. As Māori, we have a deep connection to our whenua via whakapapa, and any agreement that could potentially compromise our rights and interests to land and the taonga of natural resources could be problematic. Additionally, are concerns about the potential impact on te taiao, as well as the potential loss of biodiversity and cultural heritage sites, should they not be protected in this FTA.

Secondly, there have also been concerns about the potential impact on Māori businesses and industries. The agreement may have the potential to lead to increased competition, which could put Māori businesses at a disadvantage. This could have an impact on the livelihoods of iwi Māori, Māori enterprise and communities. However, this should be balanced against the greater affordability of European imports and products that will be available to Māori businesses, potentially as components of Māori enterprises' own advanced manufacturing or to support the operations of their businesses.

Thirdly, concerns were raised about the potential impact on Māori cultural and intellectual property rights (IP). As Aotearoa's indigenous people we have our tikanga, mātauranga, and rich cultural heritage, and any agreement that could potentially undermine our rights to this heritage may create a threat to our identity and well-being.

Lastly, beyond te ao Māori considerations at-large throughout the FTA, there is a specific indigenous collaboration chapter, that has been essentially constructed by Māori with the sole intent of ensuring our rights and obligations are met across the FTA, but also, that there will be determined specific opportunities for Māori in this agreement. This is the first of its kind for the EU in their trade agreements negotiations' history and is seen as a win for indigenous peoples.

However, in summary the New Zealand Free Trade Agreement with the European Union will potentially provide significant economic benefits to Māori and preserve matters of tikanga, mātauranga and advance tino rangatiratanga in its own way. At the fundamental level, this FTA has made a reasonable attempt to consider the potential impact on Māori cultural and economic interests and has considered the needs and concerns of Māori communities ensuring that our rights and interests are protected in the trade between Parties.



## Whānau – tāngata

Whānau is what matters for Māori, as we are a collective and have a collective view of well-being and identity. Any measure around an FTA agreement for Māori has to be around a collective measure.

Outcomes that Māori look for in an agreement must include intergenerational wellbeing and empowering provisions that support our role as kaitiaki for our people, place and taonga tuku iho. Both parties in this agreement have made new binding commitments to focus on people, with a specific commitment to advancing kaupapa wāhine through advancing women's economic empowerment and gender equality, with a cooperative focus on wāhine Māori.

The matter of Māori having our rightful 'agency' in this relationship is addressed in the FTA's outcomes that require more of a Māori voice and influence in the trade agreement's implementation. This takes the constructed form of the Civil Society Forum (CSF) and the Domestic Advisory Group (DAG), which are novel innovations by the EU in agreement with Aotearoa.

In the construction of this agreement the engagement of Māori to the extent that 'qualified' (by MFAT) Māori stakeholders had access to the various texts and chapters under negotiation to have a voice in real-time as tangata whenua, show the Ministry has come some way to proactive engagement around a te Tiriti partnership approach. Similarly, the Ministry's novel response to the digital trade area through the lens of Wai2522 (after advocacy by Ngā Toki Whakarururanga and Te Taumata) resulted in a 'carve out' on proactive protection for data sovereignty and Māori tino rangatiratanga. Although, this section, in any future review of the FTA, should be revisited to ensure it is relevant to this evolving policy space and sovereignty matter for Māori.

As tangata whenua, Māori are right to insist that this FTA must meet the obligations of Te Tiriti, and the FTA has the data sovereignty matters covered in the carve out, as well as Aotearoa's standard position on 'Treaty of Waitangi' exception. Protection for our people, our taonga and our mātauranga (IP), will need much more domestic policy and statute protection, as several matters in this area are ensconced in the Wai262 Waitangi Tribunal Claim that remains on foot after decades of duck-shoving by successive administrations, government departments and overseeing Minister(s/ries).



# Te Taiao

With EU's 'greener' and progressive trade focus – this is the EU's 'greenest' and most progressive suite of FTAs, that being the EU's FTAs with Australia & Aotearoa/New Zealand.

Inherent in that is the Trade For All kaupapa and also the contemplation of innovation around climate opportunities for Māori to support business model reset and game-changing innovation with the European Union members, as partners.

The 'green' credentials that make this a progressive trade agreement are deftly scribed within the dedicated, legally binding and enforceable chapter on Trade & Sustainable Development. This chapter covers labour, women's empowerment, environmental and climate matters.

The essence of this te taiao kaupapa in the FTA is that each of the parties are obliged to give 'effective implementation' of the ILO conventions and Multilateral Environmental Agreements that both the EU and Aotearoa have ratified. This includes our Paris Agreement commitments, which are deemed an 'essential element' of the FTA. So that's a strong and committed focus on sustaining Papatūānuku and our te taiao for future generations, a kaupapa that resonates within te ao Māori.

The focus on cooperation extends to cover sustainable management of natural resources, including forestry, fisheries and aquaculture, cooperation to facilitate the transformation of a decarbonised, circular and resource-efficient economy and deforestation-free supply chains, as well as cooperation to work on sustainable production initiatives together.

The green te taiao kaupapa goes deeper in the FTA to ensure that both parties make commitments to refrain from weakening or failing to enforce their environmental land labour laws in order to encourage trade and investment between them. Trade and investment in low carbon goods, services and technology will be easier through the removal of tariffs on a number of green goods and services like renewable energy and energy-efficient products.

European consumers have a clear expectation of goods that come into their market. The basic 'hygiene factors' for consumers include traceable provenance from producers that share the same values of a kaitiakitanga and care for Papatūānuku in their production models and also the supply and value chains that the goods travel through to their local markets. These are the basics before we go past start, and Māori exporters are fundamentally aligned to these kaupapa throughout our operating models for food and goods production.

The FTA includes a chapter on Sustainable Food Systems, which is new and where Aotearoa and the EU will work collaboratively on kaupapa of common interest to develop sustainable, inclusive, healthy and resilient food systems. It is an area of innovation that many leading-Māori enterprises are transforming their business models (i.e., from just mussels to lipid oils, and regenerative horticulture, whenua ora, and agriculture etc.).

It is an opportunity for Māori primary industries to transform, using world-leading production methods and practices that may include research-based organics and regenerative agriculture incorporating and using mātauranga Māori production methods, participation and leadership in development of global food systems.

The Trade For All kaupapa that has Māori, women, the labour market and workers, and the environment as fundamental focus areas for trade's social licence to operate in the progressive agenda, are all kaupapa that lend themselves to enabling Māori exports and Māori exporters.

The 'green economy' opportunities in this FTA are compelling when looked at holistically, and are supported at the EU Parliament level, which in turn creates these greater opportunities for Māori, as Wai262 envisioned a greener world and economy, too.



## Ngā kōwhiringa

*What the FTA will, or could,  
deliver to Māori*

The big picture is that it fully opens a market of scale for all Aotearoa exporters, but fundamentally considers the current and future market sectors in terms of goods and services that Māori operate and invest in, whilst putting in measures that ensure we can discharge our responsibilities to future generations as Tūpuna Pono.

There is an obvious market diversification imperative and potential with the signing of this FTA with a 450million-person economy, especially in an uncertain geopolitical and trade environment. Specifically in relation to China and NZ's opportunities to trade and develop good-margin trading partners-of-scale.

It is acknowledged that access to stable European markets will give Māori a greater choice around markets-of-scale that have better supply chains, which are less susceptible to sudden disruptions or unilateral political risks that could disrupt markets.

Further work together on sustainability and climate challenges are anticipated and provided for in the FTA. Initiatives such as the Te Tau Ihu Climatorium already occupy this space but will be pathfinders for more initiatives in this area, with climate innovation opportunities of greater scale and frequency.

The **Enterprise Europe Network** will also provide support to help Māori and European Union businesses to connect to each other, once the FTA is up and running. This will act as a catalyst for Māori, and New Zealand companies generally, to collaborate. Similarly, the **Horizon Europe Research & Innovation Fund** will do the same for RS&I entities.

## Pūtea

*Tariff reductions for goods  
& services*

The EU is Aotearoa's current 4th largest trading partner, which sees a two-way trade in goods and services worth \$17.5b dollars in 2021. This specific FTA with the EU is expected to add a further \$1.8b to that per year, when in full force. This is across areas in which Māori have economic, trade and development interests in a range of sectors that have specifically been picked up in this FTA, which provide greater opportunity for growth.

Tariffs, which are the basics of trade agreements, will reduce by \$110m per year, again, once the FTA is fully in force and implemented.

Māori industry, Māori employment and Māori whenua and moana predominate in primary industries sectors and this FTA has included sectors like horticulture (8.8% tariff on Kiwifruit and up to 9% on apples from the day this comes into force as an agreement), Honey will have a 17.3% tariff removed at the same time for Mānuka, which is a kupu Māori that the EU's recognised exclusively for our rakau leptospermum scoparium, grown in Aotearoa, and then for all other types after three years.

There are also provisions for red meat and dairy, but with longer tariff reduction timelines. For Māori involved in more integrated value chain products like wine there is a 32 EUR per hectolitre tariff that is removed on entry into force that will mean a saving for major Māori wine brands like Tohu, Kono, Te Pā etc. and there have been other non-tariff barriers removed to further support Aotearoa/NZ wine makers to sell in Europe.

# Ngako Hihiko

## *Services and innovation opportunities*

Beyond specific commitments, there is a significant focus on cooperation across the FTA. Provisions cover cooperation on sustainable management or taonga tuku iho, like natural resources including forestry, fisheries and aquaculture – all of which Māori are significant owners of or investors in as primary sectors. This cooperation is focused on supporting transformation, which aligns to Māori economy agendas around decarbonising our current business and operating models and environments.

Strategically the Māori economy is faster growing than the non-Māori economy in Aotearoa. The Māori economy is also evolving to greater value-add in goods, as well as greater services exports. Having this favourably recognised in our trade and export arrangements is an important consideration, around the most enabling measures to continue to support this exponentially growing Māori (and world-leading indigenous) economy.

With global inflation still rising, this FTA will also mean reduction of tariffs for goods imported to Aotearoa from the EU, which will support cheaper inputs for manufactured goods that are either consumed here in Aotearoa or as component parts for manufactured goods that we export.

The EU FTA includes opportunities for Māori in spaces other than just tariff eliminations, as there is opportunity for partnership and co-operation in the public procurement multi-billion -dollar sectors. EU businesses will be able to also access our public procurement in Aotearoa and it is an opportunity area for Māori, who are key stakeholders in regional development, health & education to have commercial and professional collaborations through accessing EU-scale expertise and services.

Digital trade is an obvious area of the contemplated future sector for Māori growth and investment, that will be made easier via this FTA, while safeguarding the right for each party to regulate in the public interest, including to promote and protect Māori interests in digital trade. This is with the additional protection around preservation, to a high level of personal data and privacy protection, that is consistent with the European Union's **General Data Protection Regulation**.

This Digital chapter and the digital underpinning throughout the FTA aligns with the future focus of the Māori economy, where Māori enterprise is looking to fundamentally decarbonise their operating models to align to their values. This means an economic transformation out of a predominance of their balance sheets' interests just in the primary sectors. Big Data Test Infrastructure (BDTI) is part of the European Commission's €7.5 billion Digital Europe Programme (DEP) and aims to accelerate the economic recovery and shape the digital transformation of Europe's society and economy. Aotearoa and Māori, specifically, are looking for similar meta digital initiatives for economic transformation through collaboration with key EU partners in this digital research, science and innovation space.

Tech – tech start-ups are a new and growing focus for Māori SMEs, content creators, at the M/SMEs levels. An action plan that has a dedicated digital economy strand will facilitate this and should be considered when agencies are looking to resource implementation of the FTA.



## *Māori Trade and Economic cooperation chapter*

## **Te kuru tao wero**

### *Māori and Aotearoa leading at the edge*

The idea of propulsive partnerships - pulling our partners through was the drive by Te Taumata to advocate for a Māori trade and economic cooperation specific chapter. Designed to supercharge the opportunities that arise from this FTA, as it has significant transformative potential, which would be at risk of being lost by ineffective focus and implementation.

Therefore, for Māori the clear game-changing opportunity for Māori to extract meaningful value in this partnership will be via the Māori Trade and Economic Cooperation Chapter.

Te Taumata has been at the leading edge of the Māori economy's export market reset, with a view to this economic cultural export and trade renaissance being constructed in a more tika way, using indigenous frameworks, ones with these 'tangas' at its heart and the outcome of intergenerational wellbeing. The kaupapa of intergenerationalism as well as intergenerational wellbeing outcomes are at the forefront of what Māori want from an FTA of this nature. This Māori Trade and Economic Cooperation chapter supports mutual cooperation efforts to enable and advance our Māori economic aspirations and wellbeing.

This Māori cooperation chapter is indeed a game-changing innovation for the EU, although a very similar arrangement to that which was negotiated by Aotearoa/NZ with the United Kingdom in their very recent FTA with us. In including this indigenous

kaupapa, the EU FTA recognises indigenous peoples in a number of ways throughout the FTA, but also looks back at itself and must then also recognise their own indigenous peoples, particularly those peoples under their colonies, like the Pacific, Americas, Asia and Africa.

This Māori Trade and Economic cooperation chapter is a first of its kind for the massive machine like the European Union to incorporate and approve in their trade agreement architecture. This will act as a whāriki for greater engagement, cooperation and support between Māori and the EU across many areas that Māori have outlined to MFAT that would be the starting points for FTA implementation, via Te Taumata's proposed plan of action and key activities.

Noting that this is the first-ever indigenous chapter to be included in an EU FTA, it's game-changing for indigenous peoples' opportunity to gain greater recognition in future trade agreements. The EU itself sees this as both novel and game-changing in its recognition of the indigenous kaupapa as part of a progressive trade agenda, as well as something that they can point to as a new standard for the World's economic powers to follow, if they want to keep up with future-focused progressive trade.

The question for Māori here is how do we, as an indigenous people, support other indigenous peoples? Our hopes are that chapters such as this, will now be the standard for all future EU FTAs, wherever indigenous people are involved. This first-ever



indigenous chapter is a discriminator for both the EU and for Māori – as it sets us aside and above other similar agreements. The chapter supports, by way of mutual cooperation, efforts to enable and advance Māori economic aspirations and wellbeing – kaupapa that align with Māori values of what's tika and pono.

As outlined in the other specific 'progressive trade' chapters Māori are interested in outcomes aligned with a focus on sustainability and the role of kaitiaki. It requires the EU to commit to strong new progressive trade outcomes on gender, including reference to wāhine Māori, climate action, fisheries subsidies, illegal logging, marine fisheries conservation/management and labour rights. These focus areas and outcomes sit alongside this Māori Trade and Economic cooperation chapter, where it will be the whāriki/platform for dedicated engagement between Māori and the EU.

This FTA also cuts a path for other forms of cooperation and collaboration with Europe. Māori are particularly focussed on the opportunities for research, science & innovation (RS&I) collaboration through the Horizon Europe Research fund. Existing Māori-European partnerships in the climate innovation and sustainable food systems will have a new source of RS&I to advance these future-focussed 'take'. Initiatives like Wakatū Incorporation's AuOra company's Climatorium project with Denmark and the Netherlands is a great example of a potential template-collaboration in RS&I space that's entirely mutually beneficial – belnding RS&I and mātauranga Māori innovation that aligns to Wakatū's Te Pae Tawhiti 500-year intergenerational plan.

## *Defensive interests*

Māori have been conscious throughout the FTA negotiations process that this trade agreement will bring a schedule of EU rules and regulations that risk colonising the World through instruments and agreements like FTAs. Māori assertions around our Te Tiriti-based rights and interests were important in these negotiations. Te Taumata has been active in their leadership in this area, which was game-changing and socially transformative. Other rōpū Māori have also advanced this agenda (Ngā Toki Whakarururanga, FOMA & iwi Chairs).

Historical legacies of mixed (both positive and dubious) European encounters, colonisation and trade are being reset, especially under the progressive trade movement, that forms a key platform for trade architecture in the modern world. The active engagement of the Delegation of the European Union in Aotearoa facilitated a greater understanding of Māori aspirations generally, and those specific to this FTA. Māori are no longer a colony, and we have political and trade capital in our bilateral, plurilateral, and multilateral relationships.

Te Tiriti partnership and obligations is at the heart of this, as we are a partnership-based society in Aotearoa/NZ. Based on Te Tiriti as our nation's founding premise, which, we can note, is formally recognised within the FTA.

Māori political capital and influence are acknowledged as being on the ascendancy through the process of the FTA negotiations as well as the intended benefits and opportunities (including tariff reduction categories).

Te Taumata has not dealt in depth with Māori intellectual property rights and interests beyond the summary insights into the FTA. However, as mentioned above, Aotearoa still does not have domestic policy or statute that can be brought to the protection of Māori rights & interests in the international context through negotiations around international instruments like FTAs and agreements that follow on from these. This is a call-out to the Government to resolve this matter, as we are in the invidious position of looking to advocate for Māori rights and interests internationally that do not exist domestically.

Wai262 contemplated a future Aotearoa. It is one that aligns strongly with a 'green economy', one that aligns strongly to the circular, resilient, and sustainable economic agendas. Te Taumata and Māori more generally advocated for more protection in the IP space and have asked for a more progressive approach to kaupapa like the Nagoya protocol and access and benefit sharing frameworks and outcomes.

However, this FTA has responded to Wai262 matters more directly than the UK FTA. Once Wai262 is settled, Aotearoa should be much more progressive (with sui generis approaches to IP) and this too, is something that will need to be picked up in future EU FTA reviews.

It is clear that, notwithstanding what might be considered the 'gold-standard' for protections in an FTA, the Ministry has fought for the trade and sustainable development (TSD) components that form Wai262. Ngā Toki Whakarururanga will have more in-depth analysis on these defensive interests and will have more space and time in their submission to respond directly. In summary, Te Taumata note that there is more work to be done here, but the provisions provided for in the FTA give it a pass for this FTA's ratification.

# Nga Āhei Anamata mo te Ōhanga Māori

## *Possible Futures for the Māori Economy*

**M**oving up the 'value' chain – like most major Western economies, the European Union's economy for goods is prone to domination by major brands on low margins. Being fully integrated into this economy's supply webs/chains on an even keel basis will make the difference for Māori exporters.

Beyond goods – Māori economy is growing year-on-year at a pace faster than the non-Māori economy and is evolving to develop more in the digital services sector. These matters are reviewed in the following sections of this analysis.

The possible future scenarios for the Māori economy lie in the Action Plan, which is sketched at the end of this review document. Inherent in that is the premise of transformation, to greater value, decarbonised, sustainable trade – that is facilitated through this FTA's various provisions for collaboration and cooperation.

# Ngā Tūraru *Risks*

**R**isks around the un-intended imposing of global rules via an FTA process – the EU will have some obvious interest in signing up a small economy like Aotearoa (who's marginal in terms of opportunity and real value to the EU for trade) for a range of reasons. One (maybe cynical) agenda could be around signing-up as many states internationally (and also in the Indo Pacific region specifically), as possible, to get us to surreptitiously import their rules framework(s). Knowing or understanding this, it is therefore important to go in 'eyes wide open' as it were, regarding this future relationship.

Lack of enforceability and the ability to do that in the FTA re specific provisions for any breaches (like in IP and mātauranga) is a worry. MFAT should take counsel from Ngā Toki Whakarururanga's submission to this NIA process, for that matter.



# Ngā anga whakamua ki te whakatō i te FTA

## *Future Actions Needed to Implement the FTA*

Our approach emphasises relationship building, as a pathway to achieving our longer-term ambitions for greater recognition of indigenous peoples' rights and interests in trade and investment more broadly. MFAT's analysis indicates that the GDP Impact for Aotearoa from the EU FTA is north of \$NZ1.0 billion and therefore payback for Māori economy (prorated at say 16 % population) would be \$150m+ to our whānau from full implementation. Understanding Government's commitment to resourcing this under a Te Tiriti partnership will be fundamental to successful implementation.

Unfortunately, there is an apparent lack of an Action Plan at this stage. Te Taumata have pushed for a phased, detailed action plan with a matching resourcing plan that should be developed immediately (before even the agreement coming into force). This should be developed and approved by the Civil Society Forum and the Domestic Advisory Groups, which are required to be established under the FTA.

Both the Civil Society Forum (CSF) and the domestic advisory groups (DAGs) ensure mandatory Māori representation. This will be an important opportunity for Māori perspectives and traditional mātauranga and/or tikanga regarding practices on environmental sustainability to be shared as part of the cooperation kaupapa.

Connections with European Union States' & territories' indigenous peoples, along with a more deliberate strategy for indigenous-to-indigenous peoples and economies collaborations, including those former and existing colonies of European countries, specifically those in Pacific and Asia regions, must also be an outcome of a formal Action Plan for the FTA implementation.

This implementation action plan contains a non-exhaustive list of activities where the cooperation kaupapa could be coordinated, and where Māori can actually already see some initiatives at the nascent stages. Priority focus areas for the proposed plan of action are:

- Building and nurturing new and existing relationships with the EU around collaboration to develop links between EU and Māori-owned enterprises, particularly at the Māori incorporation level, the iwi level and obviously at the M/ SMEs levels given the make-up of the NZ economy.
- Addressing structural barriers and inequities that impede market access through an initial series of concrete actions.
- Support for Māori to leverage our relationships and any new market opportunities to grow awareness of Māori and indigenous economies.
- Seeking further opportunities for Māori businesses, tribal entities, and indigenous research institutes, to connect (i.e., trade missions, cultural and educational exchanges, events and joint policy dialogues).
- Protection of indigenous intellectual property – including traditional knowledge-mātauranga (TK), traditional cultural expressions-tikanga (TCEs), genetic resources-whakapapa (GRs), indigenous data and mātauranga Māori.
- Collaborative climate change research – to structurally elevate the place of indigenous knowledge and mātauranga systems alongside western science.
- Cooperation in research, science and innovation – including digital technologies and information technology enabled services (ITES) and platforms.
- Indigenous business support initiative – that enable equity of market access and contributes to supply chain resiliency.



## Ngā akoranga i akohia

### *Lessons learned*

MFAT's still learning how to be more open and transparent in these sorts of negotiations processes, which will further strengthen their social contract with society in Aotearoa.

The Ministry would benefit from co-developing a macro engagement strategy with tangata whenua. The focus should be on achieving a greater, more even-handed view on Māori engagement that recognises the diverse interests, rights and opportunities for Māori, which do not sit in just one space or rōpū.

At the heart of the beginning of the engagement strategy development should be the key question of – what do Māori want? Then, how will we find this out, and what resourcing is fair, equitable and partnership-based to achieve that?

Resourcing of engagement (and the framework by which engagement could occur) with civil society (specifically Māori) must be provisioned at the beginning stages of any international instruments, free trade agreements or bilateral/multilateral political declarations that will have an impact on Māori. It should not be for Māori to plead for, or guess the available quantum of, or have to request a displacement from existing other budget lines because no provision was made at budget setting times, for Te Tiriti-based partnership engagement.

Trust developed with the European Union through the negotiation process. Te Taumata strongly engaged with NZ Delegation of the European Union, which was instrumental in being able to 'fill the gaps' in their appreciation for the position of Māori in our society, and for this to be appropriately advocated for, back in the halls of the EU in Brussels.

Building on the very recently achieved UK FTA's Māori engagement chapter was a useful precedent to have in the negotiators' back pocket, as this seems to be the structure and format that was used for the Trade & Indigenous Cooperation chapter for this FTA.

This EU FTA was the first where live negotiating-texts were shared but only as a result of advocacy by Māori, especially Te Taumata. It is hoped that this will be something that MFAT proactively looks to support in future trade agreement engagements with Māori.

## He whakarāpopoto

### *Summary*

Te Taumata spent some months and held a number of hui across the motu in both islands to gauge Māori interests in the outcomes from a FTA with the European Union, seek people's support for those matters that we were asked to advocate for, and then to give support to the final outcomes. This culminated in a major event held in the Beehive's reception space, where a venerable myriad of Māori stakeholders were presented with the likely final draft and asked for endorsement – which was unanimously given by the hui.

That said, Māori trade and export, and Māori rights and interests' advocacy space is evolving. There are a multiplicity of views, agenda and relationships that exist and need to co-exist, particularly with a view to Te Pae Tawhiti and advancing this range of Māori interests. A policy development and te ao Māori engagement strategy must reconcile itself against this evolving dynamic, for individuals, communities, and Māori business entities alike. Ensuring Māori have agency when coming to the negotiations-table must be at the forefront of any engagement or partnership-based strategy. Māori have an obligation to lead this kaupapa, but the Crown has a role too. Especially in looking forward and how they look to achieve that 'balance' in their engagement and resourcing for future FTAs (for both FTA construction as well as implementation).

As noted above there is a clear opportunity for the Crown and MFAT to support understanding diversity of Māori perspectives.

# Tā tātou wawata

## *Circling back to – what do Māori want?*

Are we being Tūpuna Pono, good ancestors now, by agreeing to this FTA? Are our actions supporting both tino rangatiratanga and the long-term, and can we explain the FTA's benefits through the intergenerational wellbeing outcomes for our people? Is this a mana enhancing kaupapa for Māori AND our European partners?

This EU FTA doesn't necessarily contain *all* that Māori hoped for, with some rūpū Māori potentially wanting more, and as a result having reservations around 'endorsement' compared to others.

However, Te Taumata's assessment is that this FTA does in fact provide a reasonable balance and assurance that benefits and protections contemplated (and assured) in this agreement are tika, pono and can support us to be Tūpuna Pono. For us, the FTA is a seed, and this one is full of potential.

**Mau te wā heke ki te wā tū** - *bring the future to the present.*



Nōku te whenua, kei a au te kōrero  
Nōku te whenua, ko au te Rangatira!

*Dr Apirana Tuahae Mahuika (Ngāti Porou)*

TE TAUMATA  
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