

CHAPTER 26

MĀORI TRADE AND ECONOMIC COOPERATION

Article 26.1 Māori Terminology

The Parties include the following Māori terminology for the purposes of this Chapter:

“Haka Ka Mate” refers to the Haka (war expression) Ka Mate written by Ngāti Toa Rangatira chief Te Rauparaha;

“Kaupapa Māori” refers to an approach entrenched in a Māori world view;

“Māori relational approaches” refers to ‘Whakapapa’ or family connections, and building strong relationships, which are core values at the heart of the Māori worldview and central to how Māori engage;

“Mātauranga Māori” refers to Māori traditional knowledge which relates to the Māori world view;

“Ngāti Toa Rangatira” refers to the iwi (tribe) defined as the collective group composed of individuals who are descended from both:

- (a) Toa Rangatira;
- (b) any other recognised ancestor of Ngāti Toa Rangatira who migrated permanently to the area of interest of Ngāti Toa Rangatira in the nineteenth century and who exercised customary rights predominantly within that area;
- (c) includes those individuals; and
- (d) includes any whānau (extended family group), hapū (kinship group), or group to the extent that it is composed of those individuals;

“Te Ao Māori” refers to the Māori world view based on a holistic approach to life;

“Tikanga Māori” refers to Māori protocols, customs, and normal practice; and

“wellbeing” refers to the Māori view of the culmination, balancing, and interconnection of numerous factors required for individuals and groups to be truly well and thrive. This includes balance between taha tinana (body), taha hinengaro (mind), and taha wairua (spirit) and can include environmental, economic, and cultural aspects.

Article 26.2

Context and Purpose

1. The Parties recognise the unique relationship that exists between Māori and the United Kingdom, noting that representatives of the British Crown and Māori were the original signatories to Te Tiriti o Waitangi/The Treaty of Waitangi whilst acknowledging that the New Zealand Crown has now succeeded the British Crown and assumed all rights and obligations under that Treaty.
2. The Parties acknowledge that Te Tiriti o Waitangi/The Treaty of Waitangi is a foundational document of constitutional importance to New Zealand.
3. The Parties recognise the importance of cooperation under this Chapter being implemented, in the case of New Zealand, in a manner consistent with Te Tiriti o Waitangi/The Treaty of Waitangi and where appropriate informed by Te Ao Māori, Mātauranga Māori, and tikanga Māori.
4. The Parties recognise the value of Māori leadership, Te Ao Māori approaches, and Mātauranga Māori that contribute to the design and implementation of policies and programmes in New Zealand, that protect and promote Māori economic aspirations.
5. The Parties recognise the value of increased Māori participation in international trade and investment, including digital trade. This includes through the promotion of Māori relational approaches, Mātauranga Māori, technologies, and Kaupapa Māori methodologies, in the case of New Zealand.
6. Subject to its international obligations, New Zealand may adopt or maintain measures to respect, preserve, and promote traditional knowledge and traditional cultural expressions.
7. The Parties recognise the value of enhancing cultural and people-to-people links that may result from the opportunities created by this Chapter for both Parties.
8. The Parties recognise the challenges that exist for Māori in accessing the trade and economic opportunities derived from international trade, and the importance of international trade in enabling and advancing Māori *wellbeing*.
9. The Parties agree that the purpose of this Chapter is to pursue cooperation between them that contributes towards New Zealand's efforts to enable and advance Māori economic aspirations and *wellbeing*.
10. For greater certainty, nothing in this Chapter:

- (a) gives rise to obligations that relate to intellectual property, except for paragraph 6 in the case of New Zealand;
- (b) creates any requirement on the United Kingdom to change its law relating to intellectual property or intellectual property policy;
- (c) constitutes recognition by the United Kingdom that Genetic Resources, Traditional Knowledge, or Traditional Cultural Expressions are forms of intellectual property in their own right; or
- (d) constitutes recognition by the United Kingdom that any examples of Genetic Resources, Traditional Knowledge, or Traditional Cultural Expressions are protectable as intellectual property other than to the extent such protection is consistent with United Kingdom intellectual property law.

Article 26.3 **International Instruments**

The Parties note:

- (a) their commitments as Parties to the *UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions* done at Paris on 20 October 2005;
- (b) the objectives of the *UN 2030 Agenda for Sustainable Development* adopted by the UN General Assembly Resolution 70/1 on 25 September 2015, and its Sustainable Development Goals;
- (c) their rights and responsibilities under the *Convention on Biological Diversity* done at Rio de Janeiro on 5 June 1992; and
- (d) the *UN Declaration on the Rights of Indigenous Peoples* adopted by the UN General Assembly in New York on 13 September 2007, and further note the national positions of the United Kingdom and New Zealand made on that Declaration.

Article 26.4 **Provisions Across the Agreement Benefitting Māori**

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

- (a) Chapter 15 (Digital Trade);
- (b) Chapter 16 (Government Procurement);
- (c) Chapter 17 (Intellectual Property);
- (d) Chapter 22 (Environment);
- (e) Chapter 24 (Small and Medium-Sized Enterprises);
- (f) Chapter 25 (Trade and Gender Equality); and
- (g) Chapter 32 (General Exceptions and General Provisions).

Article 26.5 **Cooperation Activities**

1. The Parties may facilitate, where appropriate and practicable, with Māori in the case of New Zealand and in coordination with other relevant stakeholders as appropriate, the following activities:¹
 - (a) collaborating on enhancing the ability of Māori-owned enterprises to access and benefit from the trade and investment opportunities created by this Agreement;
 - (b) collaborating on developing links between United Kingdom enterprises and Māori-owned enterprises and entrepreneurship, which may include facilitating access to new and existing supply chains, enabling and strengthening e-commerce opportunities, and facilitating cooperation between enterprises on trade in products of Māori origin. This may additionally include undertaking joint roadshows and activities promoting links between United Kingdom SMEs and Māori-owned SMEs, consistent with cooperation activities set out in Article 24.3 (Cooperation to Increase Trade and Investment Opportunities for SMEs – Small and Medium-Sized Enterprises) and Article 24.4 (Cooperation on Implementation of this Agreement – Small and Medium-Sized Enterprises); and
 - (c) continuing to support science, research, and innovation links as appropriate between the United Kingdom and Māori communities.

¹ The details and resourcing of any cooperation activities shall be agreed between the Parties as set out in paragraph 3, through the existing cooperation framework between the Parties, and subject to the resources available to each Party. For greater certainty, the provisions in this Chapter do not impose any legal or financial obligations requiring the Parties to explore, commence, or conclude any individual cooperation activities.

2. Each Party may invite the views and participation in the cooperation activities of this Chapter of relevant stakeholders, and in the case of New Zealand of Māori in accordance with Te Tiriti o Waitangi/The Treaty of Waitangi principles.
3. All cooperation shall be at the request of a Party, on mutually agreed terms in respect of each cooperation activity.

Article 26.6 **Recognition of Haka Ka Mate**

1. The Parties acknowledge the significance of the Haka Ka Mate to Ngāti Toa Rangatira, and as an integral part of its history, culture, and identity.
2. The Parties shall jointly endeavour to identify appropriate means to advance recognition and protection of Haka Ka Mate. New Zealand will invite the participation of Ngāti Toa Rangatira in these cooperation activities.

Article 26.7 **Inclusive Trade Sub-Committee**

The Inclusive Trade Sub-Committee established under Article 30.9 (Sub-Committees – Institutional Provisions) shall support the effective implementation and operation of this Chapter and monitor and review its implementation. The Inclusive Trade Sub-Committee shall have the functions set out in Article 30.8 (Inclusive Trade Sub-Committee – Institutional Provisions).

Article 26.8 **Non-Application of Dispute Settlement**

Neither Party shall have recourse to dispute settlement under Chapter 31 (Dispute Settlement) for a matter arising under this Chapter.