

Te Kāhui a Kiwa—Advancing Indigenous self-determination and wellbeing through trade and can the CPTPP help, a conference held 28-29 June 2023, University of Waikato, Hamilton, New Zealand

Report for Ministry of Foreign Affairs & Trade
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Image from Te Kāhui a Kiwa,
conference, 2023

Summary

Te Kāhui a Kiwa

This report provides an account of a conference held in Hamilton on 28-29 June 2023 called Te Kāhui a Kiwa—Advancing Indigenous self-determination and wellbeing through trade and can the CPTPP help. The report contains transcriptions of all panels and speakers. The conference was hosted by the University of Waikato, working collaboratively with Ngā Toki Whakarururanga, with funding from the Ministry of Foreign Affairs and Trade (Manatū Aorere). University kaumātua (elder) Koro Taki Turner gifted the conference its name. Kāhui refers to an assembly of stars or in this case, people, while Kiwa is short for Te Moana nui a Kiwa—the great ocean of Kiwa, the Pacific Ocean. Speaker biographies and the programme can be viewed on the conference website.

Aims

The conference had three main aims: (1) to hear Māori and Indigenous views about trade under free trade agreements like the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP); (2) to examine the adequacy of protections for Māori and Indigenous rights, responsibilities,

duties and interests in the CPTPP; and (3) to discuss how the CPTPP needs to change to better support Māori and Indigenous aspirations to be self-determining, protect te Tiriti o Waitangi rights and responsibilities, and improve the wellbeing of Māori and other Indigenous Peoples. These aims were touched on by Stella McLean, Waikato University Student Union vice-president and Te Ranga Ngakū co-president in her opening remarks.

Outcomes

Overall, the conference was broadly successful in achieving its aims. We had around 150 people attend the first day and 120 attend the second. Attendees included Māori in small scale and larger businesses ranging from technology, media and traditional healing to food production, forestry, and fisheries, as well as iwi members, lawyers, academics and students, government officials and policy makers. All but three of the 35 speakers and facilitators identify as Indigenous, mainly Māori, but also Pacific and Aboriginal. The success of the conference can be attributed to three factors: (1) the decision for Waikato University and Ngā Toki Whakarururanga to combine their events; (2) Manatū Aorere funding, which made it easier for speakers to attend; (3) relationships between the organisers and Māori and Indigenous Peoples involved in the Indigenous enterprise and the broad trade policy space. What could have been better is state support for attendance of Indigenous Peoples from other CPTPP Parties.

Recommendations

We recommend that CPTPP ministers:

- a. Establish a partnership-based framework for Indigenous Peoples' representation within the CPTPP alongside the state parties that provides for Indigenous Peoples to be involved in the governance of the CPTPP, its implementation, and its outcomes, including an independent seat at the table.
- b. Endorse and resource an alternative trade model designed by and for Māori to strengthen Indigenous-to-Indigenous trade through traditional and contemporary forms, in addition to enhancing larger scale commercial trade, and enable and resource Māori to conduct their own trade delegations.
- c. Prioritise the urgency of the climate crisis in the CPTPP review by elevating Indigenous Peoples' world views and enabling and resourcing Indigenous leadership to develop effective strategies for climate change mitigation within the broad trade space.
- d. Adopt broad carveouts that provide effective protection against the negative impacts of the CPTPP on Māori and other Indigenous Peoples on the lines of those advanced by Aotearoa New Zealand in recent agreements, including on e-commerce at the WTO.

- e. Support and resource Indigenous-designed modes of capacity building to increase Indigenous knowledge pertaining to trade policy and the ability to exercise self-determination in the development, negotiation and implementation of trade policy and agreements.
- f. Assume responsibility, through the chair of the CPTPP each year, to organise an annual conference to maintain the continuity of relationships, knowledge sharing, and action relating to Indigenous trade and trade agreements established at Te Kāhui a Kiwa this year.

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Image from Te Kāhui a Kiwa,
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Acknowledgements

He mihi nui tēnei ki ngā tāngata katoa i tautoko mai ki tēnei huihuinga. We thank Ngā Toki Whakarururanga members and supporters for their contribution and advice during the preparation and conference hosting. We thank the Ministry of Foreign Affairs for inviting Waikato University to host the conference and providing funds and advice for its delivery. We thank the speakers who gave of their time, knowledge and expertise at the conference. We thank the organising committee, and staff of Te Kotahi Research Institute and Waikato Management School who collectively made this event happen, but special thanks to Natalie Kusabs as conference chair. We thank the student volunteers. We also thank our partners ForumPoint2 for conference management services, ACLX for audio-visual expertise, Kahurangi Catering, the team at Gallagher Academy of Performing Arts, and Myles McInnes for his camera work and processing the video content. We thank Xiaoliang Niu, Hinetauarau Ioane, and Holly Parker for their work on transcriptions. We thank Rebecca Honey-Fergusson for her work on the graphic design of this report.

Glossary

Aotearoa	New Zealand
APEC	Asia-Pacific Economic Cooperation
atua	gods
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
CUSMA	Canada US Mexico Agreement
DEPA	Digital Economy Partnership Agreement
EU	European Union
FOMA (Te Tai Kaha)	Federation of Māori Authorities
FTA	fair trade agreement
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
GE	genetic engineering

GMO	genetically modified organism
hapū	subtribe, kinship group, clan
hangi	earth oven
Hineahuone	the first woman, made from the soil of the Earth
hōhā	frustrated
hongi	traditional greeting
hua parakore	regenerative agriculture
hui	gathering, meeting
IP	intellectual property
IPECTA	Indigenous Economic Cooperation and Trade Arrangement
IPEF	Indo-Pacific Economic Framework
ITAG	Inclusive Trade Action Group
ISDS	Investor-State Dispute Settlement
iwi	tribe
Iwi Chairs Forum	national forum of iwi representatives advocating for iwi priorities
iwi taketake	Indigenous people
kāhui Māori	Māori advisory board
kai	food
kainga	home
kaitiaki	person, group or being who acts as a carer, guardian, protector
kaitiakitanga	guardianship, stewardship
karakia	prayer, invocation
kaupapa	subject, topic, policy, matter for discussion, plan, purpose
kawa	protocol, etiquette

kāwanatanga	government
koha	gift, contribution
kōrero	conversations, discussions
kupu	word
mahi	work
MAI	Multilateral Agreement on Investment
mana	power, authority, dignity, prestige
mana motuhake	tribal autonomy, autonomy, self-government, self-determination
manaakitanga	generosity, hospitality, support
manahau	Māori theory of value
Māori	Indigenous people of Aotearoa New Zealand
marae	open area and complex of buildings used by Māori for formal exchanges
Matariki	Māori new year associated with Pleiades star cluster
mātauranga	knowledge, wisdom
Matike Mai Aoteroa	Independent Working Group on Constitutional Transformation
mauri	life force or essence
MBIE	Ministry of Business, Innovation, and Employment
MFAT	Ministry of Foreign Affairs and Trade
mihi	greet, thank
moana	ocean
moe	sleep
MPI	Ministry for Primary Industries
Ngā Toki Whakarururanga	Māori entity established out of Waitangi Tribunal (Wai 2522) claim

NZTE	New Zealand Trade and Enterprise
OECD	Organisation for Economic Co-operation and Development
Pākehā	non-Māori New Zealanders
Papatūānuku	Earth Mother
pūkenga	specialist, expert
rangatahi	youth
rangatiratanga	self-determination
rohe	geographical area
rongoā	traditional Māori medicine
rōpū	group
SIS	Security Intelligence Service
SME	small-medium enterprises
taiao	natural world, environment, planet
tāne	men
tāngata	people
tangata whenua	Māori or Indigenous peoples of native territories, people of the land
taonga	anything of value or treasured in Māori culture (object, place or person)
tauhokohoko	commerce, trade, exchange
tauirā	students
Te Aratini	Festival of Indigenous and Tribal Ideas
te ao Māori	Māori world view or paradigm
Te Hurumanu	partnership group working with MFAT senior leadership group
TPK Te Puni Kokiri	Ministry of Māori Development
Te Ranga Ngākau	Waikato University Management School Student Association

te reo Māori	Māori language
Te Taumata	Māori trade advisory entity advocating for Māori people and businesses in trade negotiations
Te Tiriti o Waitangi	Treaty signed between British Crown and Māori Rangatira (chiefs) at Waitangi, 6 February 1840
Te Waka Kai Ora	Māori Organics Aotearoa
Te Whakaputanga	Declaration of Independence, 1835
Te Whare Wānanga o Waikato	The University of Waikato
tikanga	customary system of laws, values, practices and behaviours developed over time
tino rangatiratanga	sovereignty, self-determination, autonomy
tipuna/tupuna	ancestors
TRIPS	Trade Related Intellectual Property Rights
tuku iho	inherited through descent
wāhine	women
Wai262	Waitangi Tribunal claim 262 – Flora, Fauna and Intellectual Property Rights
Wai2522	Waitangi Tribunal claim 2522 – TPPA
waiata	song, chant
wairua	spirit
waka	vehicle
wānanga	forum, discussion
whakaaro	thought, idea
whakapapa	ancestry, genealogy, heritage, a fundamental principle in Māori culture of lineage
whakataukī	saying, proverb

whakawhanaungatanga

process for establishing relationships

whānau

family

Whāriki

Māori Business Network Aotearoa

whenua

land

WTO

World Trade Organization



Image from Te Kāhui a Kiwa,
conference, 2023

Introduction

Indigenous Rights and Aspirations

Waikato University worked closely with Ngā Toki Whakarururanga to deliver a programme that combined a focus on how trade policy and agreements should and can protect Māori and Indigenous rights and responsibilities and to advance Indigenous aspirations for beneficial engagement in trade activity. Waikato University has an increasing interest in Indigenous trade research while Ngā Toki Whakarururanga is a leading national Māori entity focussed on the promotion and protection of Māori and Indigenous rights and responsibilities under te Tiriti o Waitangi in trade policy and agreements. While the conference was linked to the CPTPP, it elevated Māori and Indigenous voices, particularly wāhine (women), rangatahi (youth), and pūkenga (experts), on trade policy generally as well as the CPTPP. Indeed, rangatahi speakers on climate change, digital innovation, and technical provisions of the CPTPP were among the most inspiring, including, for example, Stella McLean, Carrie Stoddart-Smith, India Logan-Riley, and Peter Lucas-Jones.

Conference Themes and Speakers

Keynotes

A keynote addressed each day. On day one, Annette Sykes, a leading Māori lawyer, outlined the whakapapa (history) of Māori opposition to free trade agreements that impact negatively on Māori and other Indigenous Peoples, including the Waitangi Tribunal inquiry on the TPPA/CPTPP (Wai2522). While there have been some hard-won successes, she concludes that negotiations and agreements remain far from te Tiriti-compliant. On day two, chief trade negotiator, Vangelis Vitalis, spoke about how the CPTPP is helping diversify and expand New Zealand’s international trade.

Panels

Ngā Toki Whakarururanga co-convenor Moana Maniapoto moderated three panels on a te Tiriti o Waitangi-based approach to trade agreements, reflections on the CPTPP and the Wai2522 inquiry, and the CPTPP review and ITAG work. MC (Master of Ceremony) Pahia Turia facilitated a panel on Indigenous perspectives on the CPTPP review, with two te Tiriti partner organisations represented—Ngā Toki Whakarururanga (Maui Solomon) and Te Taumata (Chris Insley), as well as Te Hurumanu chair, Ngahiwi Tomoana, who advises Manatū Aorere. We heard a recorded key message of support from Hon Nanaia Mahuta, Minister of Foreign Affairs and an in-person presentation from Hon Rino Tirikatene, Minister of State for Trade and Export Growth.

On day two, we had three panels, which included two international speakers, Risa Schwartz, a Canadian lawyer and Indigenous trade policy expert, and Professor Dennis Foley, an Aboriginal entrepreneurship scholar. The programme concluded with four parallel workshops on investment, agribusiness, digital trade, and climate change, and a final workshop on the CPTPP, followed by a plenary reflecting on conference outcomes.

Day one

Ko te Tiriti

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Mihimihi opening remarks

Speakers: Pahia Turia, Master of Ceremony
Jason Mika, Associate Professor, Te Kotahi Research Institute
Stella McLean, Vice-President, Waikato Student Union

Pahia Turia

Manawa mai ko te puta o tēnei Ariki. Manawa mai ko te putanga mai o tēnei tauira. Ka eke ki Rongorupe, ka eke te Rangitauaua. Tēnei te oatu kai au. Kei te kaingatapu te mauri. Tu Te Wiwinga-a-nuku, tu te wiwinga-a-rangi. Kei te wiwi mai waho, kei te rawe mai waho, puritia mai waho, tahuia mai a waho. Tēnei te mauri ka waka piki. Tēnei te mauri ka waka. Te mauri o tēnei tipua, te mauri o tēnei Ariki. Te mauri kei runga. Te mauri e rangi. Te mauri ka puta ki te wheiao ki te ao marama. Tihei mauri ora. Nō reira ka tuku ngā mihi ki te iwi taketake, ki te iwi kainga, kia Waikato Tainui, ki to tātou Kingi a Tuheitia Potatau Te Wherowhero te tuawhitu. E watero mai te ringa pōwhiri ki te motu kua eke nei ki runga i a koutou. Nō reira e te Pāpā e Taki me tō tira e tautoko i tēnei rā. Kei te mihi atu ki a koutou, i whakawatea ia mai tēnei hui kia ruru mai tātou. Kia uru mai hoki i tēnei marama. Nō reira ka tika ka mihi ki a koutou Taupiri maunga, ngā waitukukiri o Waikato awa. Tēnei ka mihi, tēnei ka mihi. Nō reira e te huinga e te tuinga o koutou kua eke nei ki runga i a Waikato i tēnei rā nōku nei te hōnore te tū nei te



Image from Te Kāhui a Kiwa, conference, day one.

whakamihi nei ki a koutou. Me te mihi hoki ki te kaupapa kua karangahia nei kia huihui nei o tātou rā. Nō reira, kei aku nui, kei aku rahi, tēnā koutou, tēnā koutou, tēnā koutou katoa.

Te Ururoa, tēnā koe. I was looking at you Te Ururoa when Taki mihi to you and I thought well look, it will save me doing the mihi in return, so I thought I'd sort of turn around and doing the eye and you just gave me that eye back, which wasn't quite the response I was looking for. Te Arawa at its best.

Firstly, my name is Pahia Turia and it's an absolute privilege for me to be here and be the MC over the next couple of days for this kaupapa. I want to mihi to MFAT, I want to mihi to Te Whare Wānanga o Waikato, koutou i whakatū tēnei hui that have made this possible. I'm going to kick us off into our program for today. We do have a program for today, and I do ask us if we can understand that some people haven't been able to make their flights so we might have some changes to the program as we make our way throughout the day. But that's one of the wonderful things about us as a people is our adaptability. I consider myself quite an entertaining person. I always say to people

right at the beginning of a conference, it's mana enhancing behaviour when the MC says something funny that you laugh. I'm not asking for a Caucasian laugh, I'm asking for a bellowing, hearty Māori laugh when I say something funny.



Image from Te Kāhui a Kiwa, conference, day one.

A bit of housekeeping: did we play the health and safety? Have we done that? That hasn't happened. How about we'll kick off with that. Get the Health and Safety video out of the way, and then we will get into our program.

So, you will notice the green signs located either side of the auditorium here. Those are our exits, and we will have staff on hand to guide us out in the event of an emergency. Just to note that media are present here. Today they will have media lanyards on, that's how we identify them. Their lanyards look exactly the same as yours, I assume. It's got media written on it as well. So, the reason that I bring it up is that if you're not that keen on having photos taken of yourself, if you could

just go up and let those media people know that you don't want to be photographed, and we'll make sure that they don't do that. Look, all the panel sessions here will be recorded and available for the public to view after the conference, and a report on the conference will be prepared and submitted to the CPTPP ministers in mid-July. So, if you require any assistance where you came in there is a registration desk, those people will be there to provide any level of support that you need. One of the things that we will have here is that when one of our sessions is about to start, they will bring a cowbell. Ka pai? Because we're in Waikato.

We will be encouraging you all to go on, those questions will be moderated, and they will be sent through to the person that is going to be facilitating those sessions, and

they will be able to ask those questions on your behalf. That gets us to our first speaker for today. I was really fortunate to meet Dr Jason Mika a few years ago, working out at Massey University, and I bumped into him about five months ago when I was MCing a conference down in Wellington. He said to me, ‘Hey, bro, what are you up to at the end of June?’ and that’s how I ended up here. So, wonderful, thank you Jason for giving me the opportunity to be here.

Jason is of Tūhoe, Ngāti Awa, Whakatōhea, Ngāti Kahungunu descent. He’s currently here at Te Raupapa Waikato Management School and Te Kotahi Research Institute, at Te Whare Wānanga o Waikato or University of Waikato. Jason was born in Whakatāne and raised mainly in Rotorua. Jason is married and he has got seven children. Anyone these days that has got more than two, they deserve a bigger clap than that, come on people far out. When I look at all your other accolades here, I sit down and I think my man this guy is extremely intelligent, but I sit there and think to myself: but man, he’s got seven kids and that’s pretty hard to beat. So, Jason is an associate professor at Te Raupapa. His research, teachings, writing and practice centres on Indigenous business philosophy in a multiple sectors and scales, including Indigenous trade, tourism, agribusiness in the marine economy. He completed his PhD in Māori entrepreneurship at Massey in 2015, and in 2019 was a Fulbright Scholar, Ngā Pae o te Māramatanga Senior Scholar at Stanford University’s Woods Institute for the Environment in the University of Arizona’s Native Nations Institute.

Ladies and gentlemen, big round of applause for Jason Mika.

Jason Mika

Kia ora tātou, ka nui te mihi ki a tātou kua huihui mai nei ki kōnei i tēnei rangi. Ka nui te aroha ki a tātou i tēnei wā, ka nui te mihi ki tō tātou kaumatua, nānā nei i tīmata i tēnei huihuinga hei aha hei whai oranga hei whai painga mō a tātou mokopuna, tamariki mokopuna kei te heke mai nei. Nō reira ka nui te mihi ki a ia. Nō reira kia ora tātou. It’s my pleasure, really. It’s an honour. It’s a privilege to have you all here, to be here. I have a very easy job, and that is basically to say, thank you. Thank you to the Ministry of Foreign Affairs for asking us to hold a conference here at Waikato.

When they were asking, they had a particular kaupapa in mind. It was this thing called the Comprehensive Progressive and Trans-Pacific Partnership. So, the CPTPP, we were talking to our kaumatua about the kaupapa of this hui, and he said, oh well he aha tērā mea, and, you know, what’s that thing about? So, he says, well, let’s give it a new name, and so he called it Te Kāhui-a-Kiwa. Now, Te Kāhui-a-Kiwa was the gathering of all of the people around the Pacific nations, the Pacific Rim, and so that made a lot more sense. Maybe one of the outcomes of this hui, we might be like, well, let’s give this thing a new name that makes sense to our tāngata taketake o te ao, Te Kāhui-a-Kiwa. Ka nui te mihi ki te kaupapa.

I just want to thank also our Organising Committee, Natalie Kusabs, and all of the other tautoko, āwhina tautoko, for us in terms of organising this hui. I just want to also thank

Jane and Ngā Toki Whakarururanga, Moana, Annette, and all the whānau from Ngā Toki for supporting the kaupapa, and for us to be able to come together and have a kōrero about this kaupapa of Indigenous trade.

So, there's a big question, that's part of the kaupapa of the conference, which is, in terms of Indigenous trade, how do we advance Indigenous aspirations for self-determination and wellbeing through trade? So, one of the challenges for us over the next two days is to see if we can find an answer to that question. What does that actually look like? What does it mean? We've got some amazing speakers who are contributing your time, your energy, your whakaaro, your expertise, your knowledge, the good, and all the stuff that's been going on, to find an answer to that question. We're also very blessed to have some international speakers who are joining us from Canada. We've got Risa, we've got someone from Australia—an Aboriginal business scholar Dennis, an old buddy of mine from way back—but it's a real honour and a privilege for us to be hosting this conference here.

The main kaupapa for today, my main mission, is for you to enjoy the conference, to meet new people, to hear some new thoughts and new kōrero and new ideas and to contribute your own to that whole kaupapa. That's really the sort of purpose for my kōrero today. So, koirā te kōrero. Koirā i tērā kōrero. Ko te mea nui he manaakitanga ki a tātou i tēnei wā. Kia pai e te hui kia whai oranga mō o tātou tamariki mokopuna kei te heke mai nei. Nō reira tēnā koutou, tēnā koutou, tēnā anō tātou katoa.

Stella McLean

Kia ora and hello. Ko Stella McLean ahau. He uri tēnei nō Ngāti Tūwharetoa me Waikato Tainui hoki, and I am the vice president of the Waikato Student Union, but I am also the co-president of Te Ranga Ngakū, which is our Māori Management School Student Association. As a leader here at Waikato University, it is a pleasure to welcome you all who have travelled near and far to the university for Te Kāhui-a-Kiwa to discuss Indigenous trade and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

For my classes, I've learned the importance of trade and global business to the New Zealand economy. For Indigenous businesses, trade opens us to opportunities to grow the troubled economy for iwi and improve our Indigenous communities. From my years studying here, I've seen the increasing implementation of our Indigenous values and business operating models, and how our way of living helps to create sustainable operating practices. I do not find it surprising that our way of living is being recognised and through the efforts of many leaders within our communities, the landscape of business is changing. With this change, it is exciting to see agreements being reviewed to support our Indigenous businesses, and to better incorporate Te Tiriti o Waitangi.

Throughout this conference, the speakers will talk about the Indigenous perspectives of trading and reflect on CPTPP. Within workshops, attendees will get to discuss Indigenous trade, and how it can impact investments, climate change, agribusiness,

and digital innovation. However, I want to highlight the importance of our Indigenous youth, and how these discussions will affect the opportunities students like myself want to see. Programmes like Te Puna-a-Kiwa, and the Prime Minister’s scholarship helped to develop relationships for tertiary students in New Zealand, with our partnering countries within Latin America, South and East Asia. These opportunities help to develop capabilities within Indigenous business and eliminate barriers to Indigenous students, for our Indigenous youth. As a student, we want more opportunities like this, we want to be more exposed to international and Indigenous business while we study, as these opportunities shape the way we work in the future.

For me, I had the opportunity to go to Melbourne for one of my honour’s papers on global business practices. My class and I got to meet the likes of the NZTE, global Victoria and even meet key people from the Dilin Duwa Centre for Indigenous Business Leadership. Supported by the management school, 30 young, eager, good looking university students were able to interact with business leaders to discuss trade, global business opportunities, and Indigenous excellence. Opportunities like this are life changing. However, I also want to remind you all of the risks trade can pose for Indigenous youth. The way of international business is not easy, and the majority of our free trade agreements do not implement a comprehensive or progressive Te Tiriti based approach that supports Indigenous success enough. As Indigenous youth, the future is uncertain, yet will be what we will have to navigate in the future. So, I’d like for you all to consider our Indigenous youth within your discussions and the impact this agreement will have on the future of Indigenous business. To our tauira, who are attending, be confident to talk about trade and what the CPTPP looks like from our perspective. Nō reira, thank you for coming. Tēnā koutou katoa.



Image from Te Kāhui a Kiwa,
conference, day one.



Scan here to
view the video

Keynote one

Speakers: Annette Sykes, Annette Sykes & Co, Counsel for Wai2522

Annette Sykes

Kia ora e te whare, kia ora tātou i huihui mai nei i raro i te whakaaro hōhonu o tēnei huihuinga.

Te kaupapa e kīa ana nei ōrite te whakaaro hōhonu o tētahi o ngā wāhine toa mai i te waka o Tainui, a Te Puea. Ko tāna hiahia e kīa ana nei me tū pakari ai ngā whakatupuranga o te ao Māori i runga o tēnei moemoeā. Kei te oho au i te puāwaitanga o taku moemoeā.

Ka huri au ki tērā o ngā reo. Kua tautoko au te mihi ki a Kingi Tūheitia, me āna Kāhui nui o te Kīngitanga. Anei te mokopuna hoki o Pikiao e tautoko ana i taua tūāhuatanga. Kare e hiahia kia roaroa ngā mihi.

Ka huri atu au ki a koe te uri o Maungapōhatu o Ngāi Tūhoe, a Jason. Kei te mihi atu ki a koe mō tō whakaaro hōhonu rangatira. Me whaiwhakaaro tātou i runga i te manaakitanga o te runga rawa me ngā whakaaro hoki i te whanaungatanga o tētahi ki tētahi ahakoa nō hea koe, ahakoa nō iwi taketake kē, nō te ao Pākehā hoki, kei te tautoko au ki tērā o ngā mihi.

E te rangatira i pūpuri i te mauri o tēnei whenua rangatira o Ngāti Wairere kei te mihi atu au e te Pāpā ahakoa kei te



Image from Te Kāhui a Kiwa, conference, day one.

haere atu koe, kei te pai i whakaarohia i te whakarongo hoki i ōu kōrero e pā ana ki te mana Māori motuhake o te iwi o Tainui.

Tēnā tātou katoa.

I just felt inspired by the previous speaker to remind us that the inspiration of rangatahi has long been something that has been uppermost in everyone’s mind, I think, from generation after generation. Certainly, one of the whakataukī that inspires me every day is something that the late Eva Rickard reminded me of when we were on the MAI march—the march against the Multilateral Agreement on Investment. It was getting pretty rough at that stage. We were escorted basically from the top of the North Island right through to where we ended up in Wellington by a convoy of policemen and we were all under surveillance by the Threat Assessment Unit and the SIS at that time. When we went past Ngāruawāhia, she reminded me then that Te Puea had inspired a generation, and that her greatest dream was to awaken to the blossoming of those dreams of that generation. Listening to the earlier speaker, I think her plea for rangatahi to be included in the strategies is nothing new. I don’t think it’s been ignored. But I



Image from Te Kāhui a Kiwa, conference, day one.

think one of the key questions that I would posit is: are we being asked to lead our own philosophies? Are we being asked to lead the philosophies of our ancestors? Or are we being asked to go into a global straitjacket determined by a neoliberal framework, which of itself will undermine the identity of us as Indigenous Peoples. We need to be very, very cautious as young people, and as descendants of people like Eva Rickard and Te Puea, about taking on carte blanche the lollies that might be on offer from some of these institutions that we visit, and actually substitute the values that they are promoting for the values of our own people, which are much, much more linked to our mother Papatūānuku, which have a history and a recognition of their own understandings that guide our philosophical constructs of tikanga Māori and Māori law and philosophy. And actually, also set limits and boundaries of the way we can exploit or use our mother to benefit for profit.

One of the things that I want to highlight in my address today is this history, because it’s been a long history. I came from Tunohopu marae last week, where I was representing Sir Bom Gillies, one of my uncles, and he was on the MAI march with us, too. There was only about 40 of us. So, it’s really clear that some of the leadership in our world—it’s nearly 40 years ago when we were doing that—we were actually inspired about protecting our cultural and intellectual integrity, in a whole range of attacks in that period. It was a time, that march, when the Treaty was under attack with a fiscal envelope policy. It was a time when Te Tiriti rights were also being recognised for the first time within Pākehā law, but within the straitjacket of Pākehā law.

So, I want to just remember that there's context to this hui. It's a 40-year context, some say of struggle. I say it's of education. It's been a real important part of the struggle to educate the kāwanatanga of the obligations in the founding documents of He Whakaputanga and Te Tiriti. Sometimes kāwanatanga has resisted that education to promote its own goals of colonisation and imperialism, which are very much part of any free trade agenda if we look at our history.

I have to say, though, who would have guessed that the Crown or MFAT would be funding a hui on Indigenous self-determination and the CPTPP. That hasn't been my experience when we've even asked for a koha, even at wānanga. So, I see that certainly they've started to open their pockets, it might be because we have influential leaders in places that are able to allow that to happen. The fact that's happening, though, is a testament to decades of pressure from Māori to be heard in the international trade arena, and I feel very privileged today to have those amongst us here today, like Maui Solomon. We're doing a book launch for Moana Jackson at Ōtaki on Friday. I also want to remember Ngāneko Minhinnick and all of her struggles of her people around the protection of all of the things that free trade agreements want to exploit.

Straight after this hui I'm going down to the conference to honour Moana. I think Mānawatia a Matariki, it's really important in the season of Matariki that that star Pōhutukawa, and those who have gone before are remembered. So, I want him to be deep and central, and since sitting amongst us as his wairua obviously is, as you meet and consider some of the challenges and ideas that will be put forward to you over the next two days. It was him and the late Del Wihongi and Sir Pere Curtis, from Te Arawa, who first rang the alarm about how international free trade agreements could trample Te Tiriti in 1990, after they attended an Indigenous intellectual property conference in New York to exchange experiences with other Indigenous peoples. Soon after that, the first international conference on the cultural and intellectual property rights of Indigenous peoples was held at Whakatāne, Aotearoa. Aroha Mead is not here today, but we should actually pay homage to her efforts for that particular kaupapa. They signed the Mātaatua Declaration on the cultural and intellectual property rights of Indigenous Peoples, which was presented at the UN as part of the International Decade of Indigenous Peoples. The WAI262 claim, and Maui and Leo Watson are part of the lawyers that were arguing that, and we're still around, we still survived, despite the fact that they put that in the cobwebs for a long time, with a number of leading advocates, some who have passed on.

The WAI262 must be seen as an integral part of understanding the Te Tiriti obligations in the current context we face. It was lodged in 1995 and highlighted the threat to mātauranga from the proposed TRIPS Agreement at the World Trade Organisation. How many of you know that there was an amendment to the bill to adopt the WTO that would have prevented the Crown acting in a manner that is inconsistent with the principles of the Treaty? That was moved by the honourable New Zealand First's Tau Henare. It was lost by just two votes. 42 votes to 40. So, if we got that through, we might have been in this place a lot sooner than we are, and we might be in a different place than this space as well, in terms of our ability to develop our own systems of trade.

Of course, today, we know better than referring to the principles, and I’m really pleased to see that the Natural and Built Environment Act is now going to give an effect to Te Tiriti, not the Treaty and its principles. A big win there for those of us that have been fighting for that, but they’re still hell bent on ensuring that there’s this vague reference to Treaty principles from the Crown discourse. It’s really important that we remember these origins. Those Māori who spoke about free trade agreements weren’t interested in lower tariffs or bigger export shares for their capitalist corporations. They were driven by Te Tiriti and its obligations, our founding obligations to the modern state of Aotearoa New Zealand.

After we had protests against the ADB or the Asian Development Bank conference, you might not know, but I got charged with sedition for opposing development projects like dams that destroyed our whenua, kainga and the identity of Indigenous Peoples across Asia. I had just come back from a hui in Thailand prior to this Asian Development Bank meeting. For those of you who don’t know it, I also was educated in Singapore. I was the head girl at the United World College of Southeast Asia. So, I’m very aware of how the World Bank and Asian Development Bank have actually deprived and decimated Indigenous communities in the name of development. It’s something that has certainly shaped my thinking. I was very young, I was 17. For the young people here, I just want you to know really clearly, those experiences made me an activist, not someone necessarily that was unconsciously promoting a development agenda that wasn’t developed by ourselves.

There was a mobilisation against the Multilateral Agreement on Investment around 1996. I think that was really important. My first taste of that was at the Tunohopu hui in Rotorua where they tried to keep me out. Uncle Bom had led the protest, most of us were in the Halt the Racist Tour movement during the 1981 anti-apartheid protests. I think Te Ururoa was on the other side in that battle, promoting rugby, like a lot of people. But in our tribe, there was a group called Te Kotahitanga o Waiāriki which had Syd Jackson and Hana Jackson, and a number of communist tribe leaders like Tame Iti and Willie Wilson. We were still around when these things were being promoted through the Multilateral Investment Agreement at Tunohopu. We were protesting that we wanted to give foreign investors guaranteed rights we don’t have as Māori. So, that’s the Multilateral Investment Agreement—they were prioritising the right to have exploitation of our resources that Māori were in court fighting for, like water, which we still are, so that they could actually have the development strategies for promotion of profits for multinational corporations, while the fledgling Treaty settlement arrangements had not actually crystallised at that time and were just starting on their way.

Then there was opposition to new pro-corporate Services rules in the World Trade Organization that locked in neoliberalism, where Helen Clark’s feet were held to the fire on national radio. I don’t know if you young ones even listen to radio anymore. I think it might be a distant memory for even some of the older ones listening here. I know that that’s the era that I grew up with, no television where my grandmother lived. So, national radio was our essential link to the outside world. When I say the outside world, that was from Tapuaeharuru to Rotorua. Now you guys are on a different kind of

link at the moment, from here to Indigenous nations around the world. But those local understandings, those local philosophies, still are really important to keep in mind.

There were protests against APEC in Auckland in 1999. Challenges to the Singapore New Zealand Free Trade Agreement saw the emergence of the Treaty of Waitangi exception clause that the Crown is still rolling over today. So, we've got an exception clause that allows certain aspects of Treaty obligations to be considered, a very weak, diluted clause. It's this same clause that was introduced in the Singapore Free Trade Agreement that the Crown wants to hold on today. One of the biggest challenges is that the world has moved on in the last forty years, even though you want to straitjacket us to a mindset that invisibilises or diminishes Treaty rights.

Maui Solomon continued the battle Moana had begun over the TRIPS in Wai262. In 2007, I acted for Te Waka Kaiora in an urgency hearing in WAI262. Jessica Hutchings is here, Angeline Greensill was from Tainui. The Crown were trying to do what they did last week with the rongoā inclusion into their Therapeutic Products Act. We managed to lose in the Waitangi Tribunal but took the struggle to the streets and got it out then. So maybe, Donna, we need to take the struggle on the streets now to get rongoā out of the current bill. It was a really important kaupapa because the proposed Australia New Zealand Therapeutic Products Authority threatened our rights and duties over rongoā because they were actually going to be the ones that would make decisions about the use of the Indigenous biodiversity of Te Urewera. I struggle to think how Australians can do that, when I doubt whether they've ever been there, but of course, they've already pinched mānuka this year. So, anything's possible, once they can get their hands on the ideas that they can profit from this stealing and theft of our intellectual property.

The whakapapa and the need to protect our rangatiratanga and tikanga is what brought my clients to the Waitangi Tribunal in 2015. So, our whānau from Wanganui, it wasn't yesterday, I've been here since 2015. It's been a long, eight years. I just want to say that, and it's been a hard battle. It's been resisted at every level, by the biggest resources that MFAT could throw against us. I just want to say that, because I work on legal aid. I get about \$123 an hour; I do everything on legal aid. I don't have this army of officials behind me, helping us. It's just people that understand the struggle for the recognition of Te Tiriti and are prepared to give up valuable time with their whānau to fight for our rights.

Wai2522 claimants were all veterans of the battles for tino rangatiratanga. Moana Jackson, Angeline Greensill, Hone Harawira, Robert Pouwhare, Papārangi Reid, Rikirangi Gage, and Moana Maniapoto who was always with us. I have to honour Moana. A lot of the others fell off, Hone went politicking. Rikirangi decided that he would have to work at home and try do his tribal settlement, although he was on my case all the time, because he was really worried about the exploitation of our waiata and of our kupu, and how that could actually be detrimental to him. He was also very concerned about the ecological environments in te taiao being exploited in the fisheries context of export and in the denial of water rights to enable the cultivation of particular vegetation. Not for sale, but to feed our own communities as a priority before we look at export.

Another five groups of claimants came in. You know everyone talks about Ngāpuhi Kōwhao Rau, but I love them because they are there, every one of them fighting with us on all of these take because Te Whakaputanga and Te Tiriti is so important to them. Ngāti Hine and Ngāti Kahu, Te Waimate, Taiaimai, Titewhai Harawira she was there right through the battle as old and grumpy as she can ever be. And as undiplomatic as she always is, she was there right to the end. A lot of these people have passed on, like Moana Jackson and Titewhai, and I just want you to bring them in the room. Because I wonder how many of you actually know the struggle and the people that were involved, and they are vilified every day in the media. I’m not just sharing some of the lectures that I’ve been involved in, whether they are respected for the actual value they had as philosophical futurists for the protection of our rights. The claim went on for five years through three hearings and a mediation. We could only choose four issues, which were engagement, secrecy, plant variety rights, and Māori digital sovereignty. There were lots of other issues left out, including the rest of the WAI262 issues, investor guarantees and ISDS, health, te taiao and the climate crisis and so many more, because the Tribunal’s resources are also limited by the Crown people. They only have a budget every year, their budget is not as great as other judicial resources and other courts. So, we were invited to only focus to those four issues. I’m not going to go into the details of the tribunal reports here. I mean, they’re really turgid reading. You need to have a few days, so you read a chapter and then have a moe, and then read again. It’s turgid reading, but if you are a child of Te Tiriti, it’s reading that is really valuable to educate you on some of the issues that we’re confronting here.

You can find more information—and now I’m doing a big plug for Ngā Toki Whakarururanga – come to our website, everybody. I’m proudly a member of that rōpū, I keep hearing about this Te Taumata, but I haven’t seen too much written about the things they do. You see lots of PR on Te Taumata about Indigenous trade, come to Ngā Toki Whakarururanga website and you will see the deconstruction of that imagery, of that myth, and to actually look at some of the underpinnings of those matters.

I want to summarise by saying that the Crown got out of jail free in 2015 in the initial hearing process under urgency on the 2001 Treaty exception clause I spoke about earlier from the Singapore trade agreement. They were still negotiating the TPPA and not even tribunal members were allowed to see the text. So, this is stupid, I’m doing a court case about something that even the tribunal, who’s meant to be a legitimate voice of law in this country even though it’s only got recommendatory obligations or abilities, they couldn’t even see the texts. That’s how secret all these things happen. You have to start under “I’m sorry, kei te huna kōrero, he aha te kaupapa? Kei te rawa ake? Koinei te whakaaro”. So, for those that don’t speak Māori, I’m just saying when you hide what you’re speaking, you’re up to no good. That’s what I’m thinking. The tribunal struggled to get their heads around the complex legal arguments and kick for touch with a finding that the exception, and this is good, was likely to provide a reasonable degree of protection of the kind the Crown intends, but a stronger vision should be discussed in the future. The Crown also survived the challenge over a WAI262 issue on plant varieties relying on a protection Māori had no role in drafting and still say is inadequate, but the

Crown fell at the last hurdle on digital. So all you digital sovereignty activists, kia ora! If Potatau Biasini-Tule was here from Digital Natives Academy, you have my love and regard, that's young people standing up and making a stand. He was one of our star witnesses for this case. So, we do use young people; the old people don't know what this digital stuff is. So, you have to come to your new different kind of generation to actually get the stuff across.

The tribunal found the e-commerce chapter in the TPPA breached the Crown's Treaty obligations to protect mātauranga Māori at the heart of Māori identity. That was despite the Treaty exception clause and a raft of other exceptions they relied on. That chapter—and this is why I'm not a fan of TPPA or CPTPP— it's still in there. So I'm hoping this conference is asking them to change that clause. Because if we can domestically start to change our laws, like the Resource Management Act to the new one, then why can't we do this for free trade agreements? Why should international agreements actually not follow the domestic trend of obligations? And really, it's about educating, because Māori already know what should be the proper approach.

The other two issues, engagement and secrecy, went to mediation. Long story short, the mediation agreement from October 2021 provides for the establishment of Ngā Toki Whakarururanga. Now can I say this term is really important to keep as long as it is, because everyone started calling us Ngā Toki. It's actually a manoeuvre that was used in battle at Ohaeawai by the peoples of Ngāpuhi. It was given to us after consideration by Dick Dargaville, and Titewhai, and Peter Tipene. So, it's a hugely important name. It's about protecting, it's about a manoeuvre and of course, the toki is the wero, te arero, to make people honest and true to the obligations of He Whakaputanga and Te Tiriti.

The kaupapa and mandate of Ngā Toki Whakarururanga is to uphold te rangatiratanga o ngā hapū. All of these PSGE [post-settlement governance entities] people sitting here, sorry people, rights and interests if you read the first line and the preamble to Te Tiriti doesn't mention iwi, it's ki ngā rangatira, ki ngā hapū. Kei hea noa atu te iwi. Kei raro i te whakaaro Pākehā. Ko te iwi i roto i te Tiriti o Waitangi he kupu mō tau iwi – koinā. It's also around affirming He Whakaputanga o te Rangatiratanga o Nu Tirenī and Te Tiriti o Waitangi to ensure the Crown is acting in a Te Tiriti compliant manner in relation to trade policies and agreements.

The next two years after that mediation have had their ups and down, as the Crown has had to come to grips with what a Te Tiriti, not 'the Treaty', a Te Tiriti relationship means. Ngā Toki Whakarururanga remembers that the Crown has the resources, the information and the power. They still threaten to take me to court every time I start writing bolshie letters.

I wonder what would matua Moana Jackson say about where we are today. I'm sure we'll discuss that at the hui on Friday, which brings us to today. This year New Zealand is the chair of the CPTPP Commission, the peak body of the 11 CPTPP parties soon to include the UK, our coloniser. The CPTPP came into force in December 2018. The CPTPP required a review of the economic relationship between the parties within three years.

That was delayed due to COVID. But the 11 countries are likely to decide its terms of reference at their hui in Tamaki on Matariki weekend. They can also consider any proposal to amend or modify the agreement. Consensus to change an agreement once it has been made is hard to achieve. Don't we know it? Singapore 2001, Waikato 2023, no change. That doesn't mean we shouldn't try. If I'd given up trying, you wouldn't have half of the things that you've got now that the surfboard riders from the Māori business roundtable are suddenly exploiting. The fishery settlement – I was there at the beginning. Te reo Māori, I was the first Māori woman to go into the Waitangi Tribunal, and I was the one that argued for it to be an official language. So, the Māori broadcasting agency, the 21 radio stations and Māori Television, were all parts of our efforts. I didn't get paid for that case, that was all done by myself and late Rawiri Rangitauira sleeping on the floor at Waiwhetu.

So, when the odds are against you, you don't give up or just think, 'oh, it's easier to do something else', you actually look for an internal fortitude. You dream about what you can do. And then you action it. You don't just talk about it. There's a lot of talkers in the sovereignty movement. But you've actually got to be an activist to actually activate that talk to substantial change. That's where our international solidarity with iwi taketake from around the world becomes fundamental. Concerted Indigenous solidarity and mobilisations can shift the ground. Remember the TPPA march in Auckland? When we had Waka Huia leading the march and Ngāti Whātua, and 40,000 people walked down Queen Street? They thought that we could never do that. But we did it. Remember the fiscal envelope marches that we had? That's the stuff that we can do when we are single-minded in our efforts to protect Te Tiriti and He Whakaputanga. Remember also that many of us have been involved in struggles since then that haven't had the same mobilisation but are still equally important in the lives of our whānau around te reo and mātauranga Māori. So, I'm asking us today to consider what is the Indigenous solidarity and commitment to mobilisations we're going to take from this conference to effect real change in these matters?

A second review is also underway. When Trump took the US out of the TPPA, remember that man Trump, the remainder rescued it as the CPTPP. So, we had TPPA and they rebranded it. It's still the TPPA for me, it just got this new CP and I'm still trying to find a good sarcastic term for the CP they add on to the TPPA— Communist Party TPPA, but that would be an insult to the communist party. They tried to rebrand it as progressive because it was so unpopular. New Zealand, Canada and Chile also made a joint declaration on the Fostering of Inclusive and Progressive Trade, which promised to set up an Inclusive Trade Action Group. This is one of those grab bags of women, tino rangatiratanga, mana Māori motuhake, mana wāhine, Indigenous peoples, SMEs, labour, environment. It was to review its activities after three years. MFAT has just done that review. It was going to have a work programme. It's no surprise that nothing has actually been done under the Indigenous People's part. So, is that guilt for why they are funding this hui? Or is this the tick the box exercise? Just keep this in your mind when you're talking to the MFAT officials, engage with them and ask them is this the tick the box aspect of their kōrero.

Ngā Toki Whakarururanga prepared a detailed input into New Zealand’s three years of the CPTPP. I’m serious if you’re children, or students, or activists, or even business managers, you must go to our website. It’s one of the most important educational forums for understanding these many developments and the micro aggressions in Crown policy that is happening right across the government. A summary of our input is available outside. But a memorandum has been prepared by us that says these things: we can’t forget rangatiratanga and Indigenous self-determination; there must be compliance with Te Tiriti o Waitangi obligations to Māori in the TPPA and the CPTPP, in terms of the Treaty of Waitangi exception, which I’ve talked about; taonga species; then about digital, climate crisis—remember, I said we couldn’t do all of these ones so they’re back on the table—natural resources; mātauranga Māori and kaitiakitanga; hua para kore and genetic modification—remember we are hearing parties now trying to actually take away the legislation on genetic engineering that we fought to ensure that we would have a genetic engineered free Pacific and a nuclear-free Pacific; waipiro (alcohol) and rongoā; and a kaupapa Māori approach to assessing the economic impacts of the CPTPP for Māori. This confirmed our belief that the TPPA, CPTPP, fails to provide effective protections for Māori rights, interests, duties and responsibilities under Te Tiriti and He Whakaputanga.

I’ve done a table on the site to make it 101 simple because Te Tiriti can actually make you go to sleep and it’s boring if you actually have all of the stuff. So, if you go to the FOMA website they have actually put up a really good table on what are the rights and interests and duties and responsibilities under Te Tiriti. A footnote in that, I did that as part of the Te Tai Kaha group. It’s one of the best tables, I use it all the time when I lecture. But for those of us struggling to understand that it’s another important tool in our toolbox for challenge.

As we have noted in kōrero on submissions to MFAT over the past few years, there are present and real risks to Māori and Indigenous peoples generally. I don’t know if you’ve been down the East Coast since January, but the climate change existential crisis is alive for us. I don’t know if you’ve been to Lake Rotoaira Forest Trust or Lake Taupō Forest Trust, they lost a third of the forest. All of this is real. We’ve got to actually start to look at what’s happening, to plan actually sustainable futures to actually protect Papatūānuku in this part of the planet.

The current approach to the negotiation of free trade agreements, including the TPPA, CPTPP is almost exclusively commercially driven, even though their scope now is much broader. So, we are starting to make changes, but it’s very incremental, and the focus is still on profit. Our worldview and perspectives on these matters are crucial to bring a much needed and unique balance to these discussions and negotiations. That is why it is important for Māori and Indigenous peoples to have a seat and a voice around the negotiating table. We can’t have the kāwanatanga talking for us all the time. As much as we love the Māori Party and the Green Party and every other Māori that’s in Parliament, they are there under the veil of kāwanatanga. That is why it is important that we actually sit down, work out amongst ourselves what Te Tiriti promised Māori, how do we give effect to the article two obligation on te tino rangatiratanga. What does that actually

mean when we’re talking about free trade? And what are the trade-offs to those things that are happening, if you’re not considering that uppermost in your mind?

We were realistic that that kind of change doesn’t happen overnight. Just like Te Puea was realistic. She awakened to the blossoming of her dreams, and this generation will provide the blossoming for her. But we also have to remember Moana Jackson’s warning against confusing incrementalism with transformation. Recognising the limitations of the ITAG review to address these fundamental issues—this is another one on our page if you’re not savvy with some of the acronyms from MFAT. We have recommended a number of interim steps towards Te Tiriti compliance that we urge the Crown to take in relation to the CPTPP. These and many other ideas are bound to come up in the next few days. My question to the Crown officials—and I’m not sure if you’ve got here, I think the plane is delayed, so Ranginui and Tawhirimātea have meant that you’re not allowed to listen to this – but I’m hoping that you’re listening to us, and that we can urge you to take some interim steps in relation to the CPTPP to take account of these concerns. It’s not just Annette Sykes’ concerns, they can actually diminish me to that rabid activist that all she does is make claims that can’t be justified by data. We have made the claims justified, but they still don’t listen, because they have an agenda of neoliberalism that’s actually embedded in the deep colonial and capitalistic histories that actually have taken our rights away in this country.

But we do see some changes, I have to say that it was Kiritapu Allan and Peeni Henare in the Resource Management Act that have made these changes, and it’s good to see those changes. But will the Crown as a whole be committed—and this isn’t just the government, I’m talking about Crown officials, because I believe the law is now making Crown officials and even judicial officials, if we look at cases like Ellis, having to think carefully about how they give effect to Te Tiriti when they make decisions. We have to ask them are they going to help us push this through? Then you have to ask yourself, because I’m over 60 now, if they aren’t going to do it, have we got a generation that is courageous and foreseeing as we were? And are you prepared to mobilise your communities out to the streets and actually make Te Tiriti obligations actually mean something for the future of our Aotearoa, New Zealand? God forbid, I have to go back to the tribunal. I just about live there, I think. I don’t want to do that. But we must find alternative strategies of resolution because I’m frustrated as hell—notwithstanding the 35 years of gains that I’ve just outlined. I am committed to the vision in Matike Mai of genuine transformation of this country that actually has constitutional changes as promised. So, all of the Māori in the room, that’s the first question Moana Jackson would have asked you. Are you a Māori committed to Te Tiriti? Or are you a Māori committed to exploiting Te Tiriti?

Kia ora.



Image from Te Kāhui a Kiwa,
conference, day one.



Scan here to
view the video

What does a Tiriti-based approach to trade agreements look like?

Moderator: Moana Maniapoto, Co-covenor, Ngā Toki Whakarururanga

Speakers: Annette Sykes, Annette Sykes, Annette Sykes & Co, Counsel for Wai 2522

Jessica Hutchings, Waka Kaiora and Hua Parakore food grower

Moana Maniapoto

Kia ora koutou, he hōnore nui tēnei ki te tū nei kei mua i a koutou ki te kōrero. Ko te mea tuatahi me mihi atu au kia koutou o Tainui o Waikato koutou o tēnei Whare Wānanga. Tēnā koutou. Last time I was here I was singing with my band on the stage, I'm having little flashbacks. It was all perfect too. I just want to start off with a little song because I remember that when we were doing the marches, the mobilisations against the TPPA, I wrote a song to encourage people who didn't have that kind of activist gene to think about getting off the fence, because it can be quite an exciting, inspirational thing to do. So, I'm just going to go back into that song that I haven't sung for many years. This little thing that became one of our anthems.

“When will you put your hands up and do something, will you speak out or say nothing?

There is so much we have to do.

But if you move like this, take your time, you get used to it.

There's no good reason that we can't make a change.

So, get off the fence, it's far too crowded, take a chance now, scream and shout it.

Now is the time to put your hands up”.



Image from Te Kāhui a Kiwa, conference, day one.

Kia ora. Now, it's lovely to do this mahi. 48 hours ago, I was watching a panel on the Prostitution Reform Act. A very interesting engaging panel, whose participants were reflective, snappy, fabulous, insightful, relevant and real. No pressure. So, Ngā Toki Whakarururanga, which we are all part of as Annette described, emerged out of the Wai2522 claim and out of a mediation, and it's fair to say it's a work in progress. It's



frustrating, frustrating, frustrating. Exciting. It's exciting, and it's hopeful. You know Moana Jackson is sitting on our shoulders, and the one term that I always have in my ear is: incrementalism is stasis if it doesn't lead to transformation. So, when some of us get hōhā and want to bail out, or want to make some big compromises, we keep having that saying in our head. We are Ngā Toki Whakarururanga. It is not a trade entity. We are not about trade. We are not a stakeholder. The point of our existence is to honour and to advocate for the active protection of our rights as Māori under Te Tiriti and He Whakaputanga, and not allow our rights, the rights of our people, to be subjected to a balancing act. This is our sole purpose of being, and when we want to do a runner, then we think, 'Okay, this is really important. Stay put. Stay put, have a drink and stay put'.



Today I am hosting a number of panels with members of our brains trust, and the first panel question is: What does a Te Tiriti based approach to trade agreements look like? So, what are the principles and practices derived from He Whakaputanga and Te Tiriti that would guide a Te Tiriti based version of the TPPA CPTPP? We all struggle with these acronyms. God, I hate them.



Images from Te Kāhui a Kiwa, conference, day one.

So, this is the kaupapa. I've got two lovely guests here, as I say, the brainy ones: Annette and Jess. Now, I'll throw this one to you first, Annette, you'll be able to pick up on it pretty quickly. One of the key questions in Wai2522 was whether the unilateral negotiation of an international agreement purporting to bind everyone in the country, such as TPPA, is a valid exercise of Kāwanatanga granted to the Crown in Te Tiriti. Moana Jackson, in his evidence, said no. Carwyn Jones was

going to speak to this, but his flight was cancelled. But our brains trust is extensive. So, we're going to have this conversation, Annette. I know you're very familiar with his work. Would you like to share with us some of the thinking that was part of Moana's affidavit.

Annette Sykes

Moana was one of the primary witnesses for us. He drew on his constitutional understanding of He Whakaputanga and Te Tiriti, reminding us that they were both examples of Tiriti making exercises that pre-existed our current reality. Now, Moana had a theory of knowledge—I think it’s really important—or mātauranga Māori. I saw signs of kaupapa Māori philosophy, but it was guided by a framework called PAPA; philosophy, assumption, praxis and action. When you look at why he said no to the unilateral development of a free trade arrangement in the absence of Māori participation and agreement and prior informed consent, he said, ‘What was the PAPA?’

The first thing is that it was based on power that was assumed by the Crown, which of itself is inconsistent with Te Tiriti, because Te Tiriti and He Whakaputanga preserved the absolute authority, the tino rangatiratanga, the supreme authority to hapū, and their communities to make decisions that would advance the interests of their people. For all of us that are Te Tiriti analysts, it’s a very simple understanding, if you look at the preamble, article two, and article four, that was the oral engagement at Waitangi. Those things were really important. The tikanga based concept of power isn’t based on the assumption of power of someone else. It’s based on mana. Whakapapa is really important. So, when the Crown makes decisions for Māori, they immediately do not qualify, they have no whakapapa Māori. Even though I see we have some of the MFAT people here, working for Kāwanatanga, they are there working as part of the whakapapa Kāwanatanga, not the whakapapa of hapū. That concept of power is really important when you look at mana enhancing behaviours like treaty making exercises.

The key component parts of mana, he said, included the right to treat—the ability to engage with and make decisions with other nations. It was a natural part of our lives. There is tatau pounamu, for example, between Te Arawa and Mātaatua, that we all aware of. There are tatau pounamu between Tūhoe and Kahungunu that we were all aware of. Here’s these examples of the powers of us, exercising our mana to treat with other nations that we were coexisting with. That exercise of mana was paramount. Moana said the use of treaties in Māori law and diplomacy were really important for two things: about maintaining whanaungatanga, cementing relationships; and about promoting peace, securing trade, negotiating borders, and protecting the exercise of mana. So, if you’re not engaging with the people who have that mana, I think it’s a logical conclusion that they are making a treaty that is inconsistent with the mana tuku iho of the hapū, and inconsistent therefore with the whakapapa.

He then talks about sites of power. We’ve talked about it, and I don’t propose to go through a lot of that. But one of the things he talked about in our context is that there is a site of power that they’ve established in the Kāwanatanga called parliament. That doesn’t mean to say because we don’t have a parliament, hapū and communities of groups that may coalesce together don’t have sites of power. That’s the furthest thing from the truth. The problem is the Crown keeps saying ‘We don’t know how to deal with you, there are so many of you. We can actually deal with 450 farmers.

Moana Maniapoto

I’m actually recalling a flashback—and I mentioned to you before—when we were in the tribunal, a Crown official said out loud: “We don’t know who to talk to. We don’t know in the Māori world who to talk to.” I was looking at the panellists, the tribunal members, and everybody that was in the room, it was quite an astounding thing to say.

Annette Sykes

They still say it sometimes. They’re saying now —they’ve changed the discourse— “there’s too many of you to talk with now, there’s FOMA, there’s iwi leaders, there’s Te Taumata, there’s the specific iwi that are the super iwi that have got all the corporate strength”. They are still saying it, they changed the discourse. The point is, that’s not our problem, you entered into a constitutional foundation arrangement that recognises those sites of power, and it’s time for you to develop an engagement policy.

The other thing I just wanted to highlight is that, in the absence of this respect for the mana, and the whakapapa of those sites of power, you can actually look at these instruments as the way to legalise the further distribution of us, of our mātauranga and our taonga. That’s the fundamental breach of Te Tiriti that he highlighted. In the context of data that I think was the persuasive part of his argument—to help the tribunal find as they did, that there had been a breach of Te Tiriti, and the failure to ensure, in the data sovereignty space at the moment, that there was respect for the sites of power, of mana enhancing groups that own mātauranga, and protect it for their own use first, before it’s actually commercialised. The example he gave us was the mānuka honey.

Moana Maniapoto

What impact did his evidence have on the claim?

Annette Sykes

Well, it must have had a big impact. He was very sick when I first briefed him, he had just discovered he had his illness. We didn’t get it on time, Moana was unable to finish it. So, the Crown opposed it from actually being part of the stage one. The MFAT people didn’t want Moana Jackson’s foundational PAPA to actually be the evidence. We went through the first part where we didn’t win without it. But in the second part, he was absolutely adamant that he was going to give it, and then the Crown didn’t want to cross examine him. So that’s an interesting discussion in itself. Because he is a guru, we all know that. He was the guru, he is a guru, I don’t think any other Māori philosopher can actually do what he did. His conclusion that what was happening, and it’s still happening, is inconsistent with He Whakaputanga and Te Tiriti, was at last agreed to by the tribunal. But I don’t think it’s yet been taken on either by the cabinet or the executive of power, or by some of the officials working in the space. It’s not just MFAT. MPI, there’s a whole lot of them, MBIE.

Moana Maniapoto

You mentioned that it's surprising that we're in a new era. Now we have MFAT funding this conference, there have been more engagements with the Ministry over the years and with our group Ngā Toki Whakarururanga. What changes do you think have occurred towards a more Te Tiriti based approach since you first began becoming involved in this area?

Annette Sykes

So, in the mediation we actually enabled a mediation between leadership. Moana, she sang a beautiful waiata. She's a diplomat amongst us, as you talked about this activity, but she's got the art of diplomacy that Moana talks about that our people possess. Our leadership came through in the mediation. That was led at that time, largely by Moana, Matthew Tukaki was there for the New Zealand Māori Council, and Pita Tipene was there for the people from the North. So those three I have to say in that mediation showed leadership, and I believe they matched that leadership, but unfortunately, not with the CEO of MFAT, but a director of a part of MFAT. That's been a huge problem for me all the way through, is that rangatira ki te rangatira should be permeating all of our discussion. They keep trying to diminish it to a section, or a division of MFAT, rather than looking at the treaty making process as a site of power with Kāwanatanga, and a site of power with Māori.

Having said that, you have now got regular meetings with yourself and Pita Tipene as our leadership group, with technocrats advising you like Maui, Carrie Stoddart's here, Holly's here. We've got this young brains trust that are emerging to help, and I think structurally that's really important, but I still feel like we're on the pati pati train ride, not enough resources and I'm sick of pati pati. Not P-U-T-T-Y people; P-A-T-I-P-A-T-I. I know we're constantly looking at resources. If we hadn't had the support of Minister Jackson at times of struggle, and Minister Mahuta, I don't know if we would have got here, because I didn't feel some people were battling for us, certainly at the cabinet level. I'm talking about executive level, Prime Minister Arden. I personally tried to get her; she kept pushing me off. But that's where I'd like to see some changes.

They try to make us stay incremental and they say you come and tell me how, if we had an ISDS investor-state dispute process, how can we get Māori to come in and advise or sit with the Crown, knowing that only the Kāwanatanga can actually represent in those kind of investor disputes. They even had the cheek to ask me if I would consider to be Crown Counsel—which I'd never do in my life—to meet that obligation. So, they still don't get it. We need to be at the table in the mana enhancing way, representing it. However, nobody I know has got the dial of some of these people like you've got them, and so there is a relationship with respect developing. But it's still it's more incremental and in breach of the Te Tiriti obligations or what the conduct that is expected of diplomats.

Moana Maniapoto

Ka pai, not really ka pai, but thank you.

Jess you are a claimant in WAI262, it seems like such a long time ago and was such a landmark event really in te ao Māori and now you're providing input into the new American-led negotiation for IPEF? Can you break that one down please?

Jessica Hutchings

No, sorry I can't if that's alright.

Moana Maniapoto

OK. Given your background and the kind of issues that you were looking at, if you were designing a Te Tiriti based process, an Indigenous-led framework for developing international rules for food in the trade space, what would that look like?

Jessica Hutchings

Tēnā koe, tēnā koutou katoa, ka nui te mihi ki a koutou. Ki te hau kainga he mihi atu ki a koutou. Ko wai ahau, ko Ngāti Kuri, ko Ngāti Huirapa, Gujarati nō India. Thank you for your pātai. I am here representing Te Waka Kai Ora who joined the WAI262 claim in 2007 around the Therapeutic Products Bill, as Annette said earlier. It's almost 20 years later and we're having that same whawhai all over again. So, frustration, frustration, frustration.

But in the food and farming space, in terms of Te Tiriti approach, what I think we need to be doing is we need to be moving right away to agro-ecological, organic, regenerative and Hua Parakore approaches to farming. It's the call out to those of you who are in the audience who are representing the interests of Māori agribusiness, of Māori exporting and food and farming, to think about the ongoing damage that is done with conventional food and farming and pouring poisons onto the whenua. I heard the student whose kōrero earlier this morning used the language: we're looking at ways of living that provides sustainable opportunities. Well, I can tell you as an organic farmer, as a Hua Parakore farmer, that pouring glycerophosphates, synthetic nitrogen fertilisers is not congruent with tikanga Māori and poisoning Papatūānuku.

If we want to talk about trade and food and farming, from my standpoint, from the standpoint of Te Waka Kai Ora, the National Māori organics group, it's very clear that we need to return back to those tikanga Māori principles of actually elevating the mana of Hineahuone, not pouring poisons on our atua and then making a profit from it, and then trying to open up trade opportunities to increase what I would call capitalist patriarchy.

I just want to stay on this concept of capitalist patriarchy for a while, because the time has come about where we need to call it out again, because it's coming through the

doors 21 years after the Royal Commission on genetic modification in the forms of GMOs. When I talk about capitalist patriarchy, I’m talking about a way of thinking. It’s conversations over the decades with Moana that’s layered this thinking along with Indian activists like Vandana Shiva, whose work I’ve followed for probably three decades now. The rules of capitalist patriarchy denigrate both women and the environment. They do it to further their aims or further capitalism. So, the poisoning of our whenua through conventional farming, through the feeding of 40 million people where our food is exported overseas, does nothing to uplift the mana, both of our people to feed our people, but also to the environment. I don’t know why we don’t have these conversations in te ao Māori. I don’t know why we don’t call it out.

Thank you for singing that waiata at the beginning, because the time for fence-sitting on these issues is completely over. We don’t even have a generation to fix this issue. The FAO, the United Nations arm of the Food and Agricultural Organization tells us we only have 50 harvests left globally in the world because of global soil degradation. So, what do we do now? Now the capitalist patriarchs and the corporations are looking to vertical farming, looking to GMOs, maybe we can GMO the soil microbiome, and then we can repair the harm. But what we need to remember about GMOs—there’s two things that I want to say about GMOs—one is about the impact on tikanga. There were nine Māori groups that participated in the Royal Commission. We were one of them, with the rōpū Ngā Wāhine Tiaki o Te Ao and with people like Angeline Greensill as well, who were with us in that rōpū, where we went to the Royal Commission, and we made very clear statements that GMOs impact on the mauri, the mana, and the whakapapa of a living organism. They also open up the pathway for patents and intellectual property rights to be taken out over living organisms. These are over our whanaunga. So, there is those concerns around GMOs.

The other concern around GMOs is that it’s actually about the concentration of wealth and power back within capitalist patriarchal structures. So, it’s not going to be Māori women who are going to benefit or our pockets that will be lined. It will see the further concentration of wealth back into those billionaires. That number is reduced and reduced and reduced every year, and a smaller number of people are owning the world’s wealth while the smaller number of people are about to own living organisms in the soil microbiome. Our role as Indigenous Peoples is to speak up about it.

Indigenous Women around the world are creating a movement called rematriation—speaking up for the ancestral rights of our Earth mother and of Hineahuone. The time is now really for us to be able to do it. It’s time for Māori agribusiness to step off that global agribusiness financial stream that we’re on and to look towards transitioning. It’s not just transitioning to regenerative agriculture, and I want to be really clear about that, because regenerative agriculture still opens the way for GMOs, it still opens the way to use synthetic fertilisers, nitrogen-based fertilisers, on the whenua. There’s no caveats around regenerative agriculture. I actually see it as another way for capitalist patriarchy to infiltrate food and farming. We need to talk about it as organic regenerative or Hua Parakore regenerative agriculture. So, it is the time to speak up, and how we do that in a trade context when we are negotiating, or

when our governments are negotiating agricultural chapters that are riddled with GMOs is really difficult. I'm really pleased in Ngā Toki Whakarururanga that we're working in a brains trust collective to be able to try and encounter that. But here we go again.

Moana Maniapoto

So, Jess, just out of interest, what is it like when you have conversations with Māori food producers and those in the agricultural field? Is there an assumption that they're on the kaupapa? Does there need to be more advocacy around that?

Jessica Hutchings

There is the Māori organics movement and the uptake of the Hua Parakore that is happening on a small scale. I don't think that's a bad thing, because small scale food farming really is what is feeding the world anyway, and it's what is going to feed the world, this notion of coming back to hyperlocal food systems. But we have very little, if any, approaches from iwi food and farming businesses to come on a Hua Parakore pathway, to come on an organic pathway. There's very little participation from Māori agribusiness in organics that I know of. I know that Ngāi Tahu is doing a pilot trial of two regenerative farms that got some big government funding, but where is the investment in organics? Where is the investment in Hua Parakore? So, the question is: how can all of these conversations about trade turn it around so we can actually start to honour the landscape from the deity Papatūānuku, Hineahuone of which actually we serve. As a Hua Parakore food farmer my role is to elevate the mana of Hineahuone; not to take from the soil but really to ask what can I do to uplift her?

Moana Maniapoto

One might think that there's a global trend, that that would be an attractive marketing carry-on.

Jessica Hutchings

Well, there is a big global trend with the EU FTA and the Green Deal. There is a movement, the EU is setting these standards where they're going to require New Zealand to have equivalence. But the EU also have a list of banned pesticides, which they've banned about 120. We only banned 30 of those. So, we are pouring pesticides and chemicals on our whenua at a rate that they don't even accept them or pour them on in other parts of the world. So, we like to think, and we trade on, this 'clean, green' image. We're so far away from it. If anyone in the audience is involved in Māori agribusiness and is interested in transitioning to Hua Parakore, to Māori organics, please be in touch with the Māori organics group, with Te Waka Kai Ora, because we say we are leading, but I'm not proud that Indigenous Peoples are leading out in trade and ways where actually we denigrate the environment.

Moana Maniapoto

Just in terms of the IPEF, what kind of impact are you able to have on those negotiations?

Jessica Hutchings

Well, incremental at its best. I almost like feel like I'm going through the motions of speaking, because we have created an opportunity for us in Ngā Toki Whakarururanga to be heard. But being heard is one thing, being understood is another. Being heard, understood and then action to be taken is where we are tracking to and we're not even there yet. In fact, I haven't had a response from the meeting with MFAT officials that we had a few months ago, where I was asked to talk about the impacts of GMOs from the standpoint of Te Waka Kai Ora. You know when you're talking with people and they've tuned off. You know when they're just being polite. So, these are deep seated concerns. It will be our children and our grandchildren who will come back to us 30 or 40 years later and say, 'What were you thinking, letting GMOs into Aotearoa?'

Just one last point on GMOs. We are actually in a really fantastic position geographically in Aotearoa to be an organic seed saver for the rest of the world. They've missed the boat in the EU, they've missed it in North America and in Canada. GMOs, although they're growing in farms, they've got contamination outside buffer zones. But not in Aotearoa. What I see in the coming generations is people are going to be looking for heirloom seeds, they're going to be looking for diversity. We know resilience is in diversity. If we move down that path of GMOs, one, we're not going to own the seeds, but GMOs are all about monocultures, and we have just seen the impact of monocultures in Te Tairāwhiti with pine, *Pinus radiata*. It's not just saying no, it's saying no and here's the opportunity, organic, regenerative, Hua Parakore seeds, organic seed saving for the rest of the world.

Moana Maniapoto

Kia ora Jess. That's a fascinating era. Wasn't it in the news this week? Weren't GMOs being debated?

Jessica Hutchings

So Luxon and National have come out and made the announcement at Field Days that if they're elected, they'll open the debate again around GMOs. They will have a fight on their hands. This is the time when I look to the rangatahi in the audience, we took to the streets 20 years ago, there was a really big movement in Aotearoa and we're going to need to do it again. The rhetoric of the National Party, who want to open up the debate around GMOs again, and also to Gluckman, is this idea that we're going to miss out and we're not going to be a leader. Personally, I don't want our country to be a leader in GMOs. I want our country to be a leader in organic regenerative. I want our country to

be a leader in soil health where the roots are driving down deep with this much diversity of plant species. That’s the type of leadership we need to demonstrate to the to the rest of the world, not this notion of missing out.

Moana Maniapoto

Are there any Pākehā allies. I mean, how broad is that base, that’s supporting that?

Jessica Hutchings

Broad, so the GE Free Aotearoa movement is just regathering in the next four weeks and Te Waka Kai Ora is going to join that movement. Te Waka Kai Ora are really active about it, but all of us have been other kaupapa. But we are ready to fight it again.

Moana Maniapoto

Ka pai. Annette, just picking up on Jess’s point: the key part of the question was around what a Tiriti-based approach to trade agreements looks like, and when you teased out Moana’s affidavit, what do we need to change in order to be able to accommodate and support and advocate for the position that Jess has been talking about?

Annette Sykes

Well, first of all, we need Māori to organise ourselves, and we don’t need the kāwana to facilitate who they bring into the room. That’s one of the key problems that I see. They tend to put a dichotomy when they bring people in the room like Annette Sykes for the radicals, someone from FOMA, and someone from iwi leaders. That’s just too simplistic because the labels don’t work. We need to set our own planning strategies for the kind of futures that Jess described, which I think are Indigenous obligations. We look to the past for our future. Some of us are working in different places, like I’m trying to get Te Mana o te Wai to reduce phosphate, and to set limits on the use of agri-fertilisers at farming level and have farming plans that are required to be obligated to that. So, we need to do policy amongst Māori groups, across every sector which reinforce those values. Then we need to determine our leadership, as we did in Ngā Toki Whakarururanga with yourself and Pita, meeting with whomever, because it’s not just MFAT, it’s MPI, MBIE, Te Puni Kōkiri—all working together against us. We need to then try to design a future for our Aotearoa New Zealand state that is born from the framework of Te Oranga o te Taiao. Te Mana Motuhake o Papatūānuku. There’s constitutional dynamics like that in South America, Bolivia, Vandana in India. There are dynamics of this emerging around the world. We need to join that leadership, rather than be led by the nose down a neoliberal capitalist framework.

Moana Maniapoto

I know that when we first started Ngā Toki Whakarururanga, one of our goals was to organise ourselves, te ao Māori, to identify and develop clear positions on various issues, because we are always finding ourselves reacting, aren't we? Which is an incredibly frustrating space to be in. So, how optimistic are you Annette, that we're making progress on organising ourselves?

Annette Sykes

I look to the future of our young people, because when we were at university, for example, there was five of us. Now there's 500 Māori. If I go to the economics department, when I did my BA degree, there was three of us, and now there's 300 Māori. We aren't all of that other philosophy; we bring our own Indigenous approach. I'm optimistic. I think we need to also stop cementing ourselves within frameworks the Crown has constructed, like settlements from the Treaty. That wasn't a Tiriti settlement, that was just about appeasing, an effort to enable them to carry on with their agenda of exploitation of our resources. Remember, the fiscal envelope said we couldn't deal with water, we didn't own minerals, we didn't own the ability to make decisions or authority over Papatūānuku. Those decisions were still vested in regional councils. I actually think we're going to change that.

I like this term mana whakahaere. It's a term that was first used for me when Hikurangi maunga was returned back to Ngāti Porou. It was returned back to the hapū to have the mana whakahaere of their mountains and their waters. I would like that at local places to include us all. Marae-based individuals who are Hua Parakore activists, doctors and nurses that are talking about changing lifestyles for wellbeing, not about treating us as sick people, but making us healthy so we don't become sick. I think Māori, we're leading the way, because we've been forgotten for too long. MFAT and all those other groups need to catch up, because frankly, their thinking is a little bit outdated. It's 30 or 40 years ago, they haven't kept the pace, like Jessica pointed out. The EU had to, they've been dragged there by the Green Movement, and I think that might have to happen here. Because of course, we've got ACT and the National party now promoting a very extraordinary transformation backwards to a capitalist framework, which I thought we had escaped.

Moana Maniapoto

Now I wonder if we have any questions for Jess or Annette?

Jessica Hutchings

I am happy to answer the question. I will form part of the answer around addressing Hua Parakore. That's really where the emergence of this movement came from, in Motatau

led by Percy Tipene, now passed away. All these people sitting on our shoulders who started these movements whose work that we’re carrying on. Key in the whakaaro and the establishment of the Māori organics group was that our people have always been doing organics. We’ve always been a part of Hua Parakore. This is what we’ve done. But then in Aotearoa there were four organic standards, but not one of them provided a kaupapa Māori pathway to bring tikanga Māori, or to enable telling a kaupapa Māori story around food and farming. So, that’s how the whole Hua Parakore came about. Through a three-year kaupapa Māori research project lead in 2011.

However, there’s been no support from Kāwanatanga at all for the implementation of Hua Parakore. So, there’s all of this investment, there’s even a Māori agribusiness team in MPI, there’s funding for Māori agribusiness, but there’s no funding for Hua Parakore or Māori organics. How are we supposed to grow a pathway at speed? Because environmentally, as we know, we do not have time to sit around and ponder this. How are we supposed to grow this, and have this transition happen at speed, when there’s no funding? And when the structures are not enabling? Even the trade structures are not enabling for organics. Most of our producers are small. That doesn’t enable for exporting. So, how can we reframe trade, bring indigeneity to trade in a way where actually we can do native-to-native trading as Hua Parakore? We have Hua Parakore Indigenous producers in other parts of the world as well, and they bring their own tikanga, their own kawa, their own kōrero, to the use of that framework.

I’ve been on Turtle Island at the beginning of the year on some seed sovereignty work. We were meeting with these First Nations women, who are part of repatriation movements, and they wanted to give me seeds back, this was their koha. They really wanted to give us some seeds to take back to Aotearoa. I had to explain our biosecurity rules, I can’t really do that. But people who came up from Peru were bringing seeds, this is what they koha in between the communities. We don’t even have the right to be able to do that anymore. Then they shared the phenomenal story about the corn braids. First Nations women in Turtle Island, having to put the corn seeds in their hair when the colonisers were chasing them and moving them off their land. That was the way they could ensure food security for the people—put the seeds in their hair in the notion of corn braids. I never knew that. The resilience and the ingenuity of Indigenous women to continue to feed people and the resistance of colonisation. Back to Kāwanatanga, MFAT, MPI, MBIE—open the pathways, release the money, because it’s essentially our money that you’ve taken off Māori, through the funding of capitalist patriarchy, and we want to turn that ship around right now.

Audience Question

Okay, my question is kind of different, let’s say about Papatūānuku, if we’re questioning about agriculture and chemicals that go on there, is there someone that’s questioning the embalming processes as well with the chemicals that come through?

Annette Sykes

I think the coroners were under review recently, and yes, they are. But I just want to add to what Jess was saying— we don’t wait for the Crown; we’ve got to set up our own systems of mātauranga Māori and practices. They will follow us. If we keep waiting to persuade the Crown to give us permission to do this, or provide resourcing, we’ll be waiting a long time. I’d been waiting for 40 years as I tried to describe, so we have just got to take the initiative. I go to tangi now where—the first one I went to was Irirangi Tiakiawa—there was a complete denial of the use of that embalming process which is required under the law, to enable that tohunga to be properly given the send back to our ancestors that he deserved. I went to Joe Malcolm’s, there’s quite a few. All of them are doing the same kind of thing at home. I don’t think anyone’s been prosecuted yet. You just got to do it. The law will catch up to you. That’s just my view on this.

Moana Maniapoto

Thank you. Just to finish up, Jess, the question was, what does a Te Tiriti based approach to trade agreements look like? What would be the key principle that you would take from He Whakaputanga and Te Tiriti to guide a Te Tiriti based version of any of these agreements? What would be the key principle you have to keep to the forefront?

Jessica Hutchings

Well, for me, rangatiratanga just comes straight to mind. This is what we’ve done in the Māori organics movement exactly. Like what Annette said, we didn’t wait for the Crown to say, ‘yes, you can develop a Māori organic framework’, we just did it. We just set up our own system. Last year we had over 60 collectives join up in the first year of Hua Parakore. We had to close it off because we’re a voluntary organisation, no one really gets paid, and we’re administering this verification system, which has to have integrity at the heart of it. So that’s rangatiratanga. We’re just doing it. Now, we want to do it and our Māori producers want to export Hua Parakore. So now we’re in this position where we have to go well, how can FTAs help us? Because at the moment they’re not helping us.

Annette Sykes

It’s rangatiratanga with limits, though. I think some people are equating rangatiratanga to economic sovereignty, where there are no limits on choice, and they misunderstand our values, because rangatiratanga, kaitiakitanga, manaakitanga must be seen as a collective of values that work as limits to each other, to ensure that we respect our mother. For me, that’s one of the key challenges, don’t be matapiko. Rangatiratanga is not about absolute power without limitation. The limitation is the respect to future generations and your mother. Real simple stuff. But quite often the economic sovereignty arguments have actually overcome the ecological obligation of that

economic sovereignty to the detriment of our lifestyles, our ways of life. We’re seeing it in Cyclone Gabriel, we saw it in Cyclone Bola. This isn’t new, but we actually seem to suffer from amnesia, until we actually have climate change events like that to remind us of how our behaviours are actually causing mischief to our mother.

Moana Maniapoto

I’m reminded the last hui that we had, that kaihautū. We rearranged the lineup of kupu that originally was rights and interests, duties and responsibilities, and we flipped them, because rangatiratanga is about responsibilities and accountabilities and duties. So just want to thank you both, on behalf of all of us for all your mahi, and your lovely stimulating kōrero. Thank you very much.



Image from Te Kāhui a Kiwa, conference, day one.



Scan here to
view the video

Reflections on CPTPP and Wai2522

Moderator: Moana Maniapoto, Co-covenor, Ngā Toki Whakarururanga
Speakers: Jason Mika, Associate Professor, Te Kotahi Research Institute
Maui Solomon, Lawyer, Ngā Toki Whakarururanga
Tane Wateford, Lead Advisor Trade Policy Engagement and Implementation
Division, Ministry of Foreign Affairs and Trade

Moana Maniapoto

Kia ora. I think I might invite my three wingmen here to introduce themselves.

Jason Mika

Tuatahi, nō Tūhoe ahau, nō Te Whakatōhea anō hoki. Nō Ngāti Awa, nō Ngāti Kahungunu ki te Wairoa hoki. I tipu ahau i Rotorua i raro i te maru o Te Arawa, i Ngāti Whakaue ēngari kei kōnei ahau e noho ana ki Hamutana. Kia ora. For me, my main area of interest in mahi

is Indigenous entrepreneurship, and Māori entrepreneurship, and thinking about Māori enterprises in terms of what makes them successful, what helps our Māori enterprises to grow and develop, and what kind of support that enables them to do that. Thinking about that, where are our Māori enterprises, they're in all sorts of sectors, they're sort of agribusiness, entrepreneurship, digital sectors, and they're also involved in Indigenous international trade. So, I've been really interested in sort of understanding what it is they do and how they operate, in terms of my research and all the sorts of mahi that I've been doing.



Image from Te Kāhui a Kiwa,
conference, day one.

Moana Maniapoto

Kia ora Jason, thank you for convening this too, on behalf of all of us. Tane, tēnā koe.



Images from Te Kāhui a Kiwa, conference, day one.

Tane Waetford

Tēnā koe Moana, tēnā koutou katoa. He uri no Te Tai Tokerau, no Te Whakatōhea, ko Tane Waetford taku ingoa. I’m six one. I’m from Ngāpuhi. I’m also an MFATER. We might get a little bit into that in our kōrero, but I’ve been with the Ministry of Foreign Affairs and Trade for 14 years. I might actually touch on it at the moment actually, I feel very privileged and honoured to be here. Apart from a completely accidental life, my career has been rather accidental as well. University was never destined for me and yet I ended up there. Law was never destined for me and yet I ended up there, and after my undergraduate degree, stayed on at Victoria University as the Tai Takawaenga o te Ture, Māori Law student coordinator. That was my opportunity to give back, to return some of that manaaki that I’d received in order to get me through my studies, and I had the great honour of having Moana Jackson as my mentor over those four years. And mihi atu ki a koe Annette. I recall telling him the day when I said I’m going to work for MFAT, and his response was expected actually. I expected the responsibility that he gave to me and that was never in my long-term sights either. That’s something that I fell into as well and yet I have made that my career and we get to talk a little bit about that in the kōrero around the kaupapa for today.

Moana Maniapoto

I can see you falling out of MFAT, into Ngā Toki Whakarururanga given your habits. Always up for a new challenge.

Tēnā koe my friend Maui, I think we first met around about the Wai262 days. Ngā mihi ki a koe.

Maui Solomon

Kia ora, kia ora Moana, Whare Wānanga e tū nei, tēnā koutou, tēnā koutou te hunga kainga o Waikato Tainui. Ngā mihi ki ngā mate, me ngā aituā, ki te Kaihanga no reira e ngā waka, e ngā mana, ngā karangatanga maha. A kui mā, a koro mā, rau rangatira, tēnā koutou, tēnā koutou, hoko mene tau. So, I’m Maui Solomon, I’m Moriori, Ngāi Tahu and Pākehā. I’ve got the German, English, Irish, a little bit of French, Malaysian spice in there as well. I come from a long line of war makers, peacemakers and whiskey makers. So, a good balance in life. In terms of my background in terms of work, I started working picking spuds down in South Canterbury and working shearing sheds. I put myself through Canterbury University Law degree. Then I went out as a barrister in 1992, and one of my first instructions as a barrister was from Moana Jackson and Caren Wickliffe from the Māori legal service, and it was a Wai262 claim. So, It kind of cut my teeth as a barrister on one of the biggest claims to come before the Waitangi Tribunal. If I had known what lay ahead of me at that time, I probably would have said: no, give it to someone else.

I just want to acknowledge that people like Del Wihongi, Saana Murray, Tama Poata, John Hippolite, Hori Parata, all of those ones who were futuristic. They were visionaries, and they copped a lot of flak back in the day when they filed that claim. Even our prime minister at the time, David Lange, he was criticising Dell, who went to Japan to bring the kūmara back because it was in a database over there—this was 1988. It goes to show how long this kaupapa has been around for. They weren’t really that well supported. Even within Māoridom. But they were futuristic, they were visionaries, and they had courage. All of you young ones out there, have courage, the courage of your conviction and belief. Because the fight isn’t over. It’s actually just starting, and we need those warriors to step up and keep that kaupapa going. So, they were my inspiration in a legal context, and actually just working with those people was a huge privilege. I learned so much on the Wai262 claim and how I got involved in this kaupapa I’ve got Moana to thank.

I’d snuck off to Rēkohu, to the island because I put my legal practice on hold in Wellington and went down to the island to salvage our tribe from financial collapse. So, I was only going down there for 12 months and ended up staying for 12 years and I’m still down there. They’re back on their feet and doing well. I thought I was going to hide out on Rēkohu, which is the Moriori name for the Chathams, and I’m now doing regenerative farming and I’ve got a nursery going. I just happened to be with Moana, two or three years ago and she said, ‘Oh, Maui just putting this little group together and we might need some advice, and you’ve been in WAI262—it won’t take too much time’. Three years later and 100,000 emails from Professor Kelsey and here I sit.

Moana Maniapoto

Moving on, moving on

Maui Solomon

Honestly to work with people such as Professor Jane Kelsey and Annette and all of these other people who are involved Carrie's here and Holly Reynolds and there's some awesome young rangatahi wāhine Māori who are on this. We're in good hands, we're in good shape. Some of the tāne need to be stepping up. It seems to be the way has been led by our wāhine and that may be because this is a time of nurturing and care, and that's what Papatūānuku is about. I think there's that mothering— Del and Saana, and Annette, are up there, because they care because they've got that mothering, that nurturing instinct. That's what we need today because we're heading off a precipice.

Moana Maniapoto

I'm going to ask you the first question, and then I want to it swing it back to Tane and Jason. So, we've talked about Wai262 which was a game changer in terms of collecting our thinking and putting on record and giving some clear focus. Now you're one of our pūkenga—thanks to the 2522 claim—and you're our representative at the IPECTA, Indigenous Peoples Economic and Trade Cooperation Arrangement. That other acronym, IPECTA, that came out of the APEC process. I wonder if you could just touch on the kinds of challenges Annette and Jess were talking about—a Treaty focused CPTPP. What are some of the challenges that you've found over the years in pursuing Te Tiriti based kaupapa in this trade space context?

Maui Solomon

Before answering that question, we're all struggling with the acronyms, the abbreviations. What I've been learning about all of these abbreviations, is it's like drinking out of a fire hydrant: it never stopped. I'm not surprised that people get it wrong.

Moana Maniapoto

What's the biggest challenges?

Maui Solomon

When I was counsel for Wai262, I filed an urgency application, when the GATT TRIPS Agreement was coming in, the General Agreement on Tariffs and Trade, and Trade Related Intellectual Property Rights. That's why they say GATT TRIPS. So, we applied for urgency in the tribunal for Wai262, and we narrowly lost by two votes in the House to get the Treaty provision in the legislation to adopt the GATT TRIPS. That's almost 30 years ago so things change. Glacially. Very slowly. There has been change. The fact that we're here having this discussion, that was just not possible 20 years ago, 30 years, even 10 years ago. So that's an advancement. But in terms of substantive change this is

actually still just appearances. It's good appearances, the conversations happening, but in terms of substantive change, that's very slow to happen. I think it's incrementalism, and Ngā Toki Whakarururanga is about transformation. That's what attracts me to this.

Another challenge is the Crown is great at creating divisions within Māori. I mean, we're good at creating those divisions ourselves, but they exploit them. They play one off against the other. That's an issue, but the way I see it is that no matter what waka you are on, whatever rōpū your part of, we're all sailing in the same direction. But some might have might be going after that reef over there, to drop a line and have a fish. Another one might be sailing a wee bit further out to go to that offshore island and to get some birds. But Ngā Toki Whakarururanga is on a voyage of chattering uncharted waters. We're all heading in the same direction but that makes it harder being on Ngā Toki Whakarururanga because you're going to run into more challenges. You're going to run into more storms, you're going to run into more criticisms. However, what's inspirational is that not only the people you're working with, but actually if you look to your ancestors, they didn't just sit at home you know, fishing at the near reef, they were prepared to go out, they were undaunted in their exploration, chartering new waters and looking for new lands. That's what we need to do. We need to keep pushing, pushing, pushing, pushing because the things that Annette has talked about are absolutely spot on. Talking about free trade agreements—Māori have a \$70 billion economy, and we need to trade, we need to make money, but if you look at what's happening in the world today, we're putting profit in front of everything else. For Indigenous people and for Māori, Papatūānuku and people come before profit. That's the transformation that we need to be heading towards. That's going to be a big challenge, because the Crown is focused on that economic model, and all the other states that we're dealing with are focused on that same model too. Where is that leading us, climate crisis?

Moana Maniapoto

Do you think that Māori are on that same waka? I hear a lot about the commercial benefits of trade. We talk a lot about values, but are we actually walking the talk?

Maui Solomon

That's what I'm saying about the different waka, it just depends which waka you are in, and we're all sailing in the same direction. I'm not going to sit here and bag anyone else who's in a different waka or doing something else. What I'm going to focus on is where our waka is heading. If you're actually running a business, you might think there's short-term gains to be made from entering into this agreement, or contract. I'm not going to judge people for that. They're doing it because that's the only game in town. If we can change the game, and change the rules of the game, and the values of the game, that's when you're going to bring people on board. We should be prepared to make a change to the system, because the current system is not working. It's resulting in climate crisis, resulting in more poverty, and depletion of land and all of those sorts of things. So

Indigenous people’s worldviews are going to be absolutely critical, not just for Indigenous people, but for the world.

Moana Maniapoto

So, picking up on that now, Tane, you’ve spent the last couple of years inside MFAT trying to meet the expectations of those of us with that Te Tiriti base kaupapa, you’re working with the crown, what are the challenges that you face?

Tane Waetford

Start with easy questions. Firstly, if I may say thank you to Waikato University for hosting this hui, in particular Ngā Toki Whakarururanga for today’s program. I do want to make a clear and important point; I think that New Zealand is hosting the CPTPP meetings this year. We do acknowledge that we got some things wrong. The point of this conference, Te Kāhui a Kiwa is to hear from you around what trade should look like in relation to CPTPP. More broadly, what international trade should look like, how it should represent the various interests, in particular Māori and Indigenous interests. So, we acknowledge you for being here today. But your presence is not all we’re after. We want your ideas. We want your thoughts. We want to capture those views and be able to present them to the CPTPP membership to continue those conversations and to continue shaping international trade policy, international trade agreements. Some of the challenges in terms of working where I am or in the public service—part of the challenge is getting there in the first place, the next challenge is staying there, and the next challenge is progressing. And the next challenge is having influence. That’s part of the challenge.

Moana Maniapoto

As I keep saying it’s a work in progress. The frustrating thing—and it will be nothing new, it doesn’t matter what space Māori are working in—is that we have positions, we have a Tiriti focus, we express those powerfully sometimes, and then nothing happens. So that’s the frustration from outside the Crown space. So, what is it like advocating inside the crown space?

Tane Waetford

I see that less as a challenge, although not straightforward or easy, but more of an opportunity to be able to walk in both worlds, to lift Crown understanding, to lift colleague’s understandings, more than just giving karakia at the beginning of meetings, but to help lift and shape those understandings. I think your understanding of Te Tiriti o Waitangi, Treaty of Waitangi, needs to continue to evolve and grow beyond superficiality. That requires some honest conversations. We’ve seen with the recent Tribunal report, Mai Te Raki, from the north, that that conversation is ongoing. It continues to evolve. So, our understanding today here in 2023, has to be different than 2030 and 2035, and so on.

Moana Maniapoto

What would you say have been the major achievements in the last couple of years?
What would you say has moved the conversation along, or has it, around Te Tiriti?

Tane Waetford

I’ve not been in my current role for all that long, actually, less than two years. MFAT’s a rotational career and so things were happening, I was overseas, but around that TPP process, and I saw it all from afar. What I did not see was the 2522 Tribunal claim. I wasn’t involved in that. I wasn’t involved in the mediation agreement between MFAT and Ngā Toki Whakarururanga. I wasn’t involved in those discussions. We talked a little bit about that in the previous panel. That’s been a major achievement, and there have been a number but that has been a major achievement— MFAT, meeting with Ngā Toki Whakarururanga with a set kaupapa and very clear objectives, and extensive objectives around what that working relationship should look like. Is it perfect? No. But are we further along the path from where we were two years ago? I’d like to think so.

Moana Maniapoto

Do you think that incrementalism will move towards transformation as Moana would often suggest needs to happen?

Tane Waetford

It has to be incremental.

Moana Maniapoto

It has to be transformative.

Tane Waetford

It has to be transformative. But it has to be incremental. Little steps.

Moana Maniapoto

Incremental. We know all about incremental. That’s the frustrating bit.

Tane Waetford

How else do we do it? Think across the board— how else do you achieve progress?

Moana Maniapoto

I suppose you could be a little bit more disruptive. I mean there's kind of doing nothing, which is one bit, there's been incremental, and there's been a little bit more disruptive. We could shuffle things along the spectrum, I guess that's another alternative.

Tane Waetford

I'm all for disruption. If being this disruptive achieves this much progress. If you look at the progress that has been made since the tribunal was established in '75. Here we are many decades later. We are much further along the journey today from that origin and it takes time.

Moana Maniapoto

Ka pai Tane.

Jason, you've been busy, your name has popped up all over the place, you've been working hard. One of your major projects was Te Tiriti o Waitangi audit of the APEC process, that applied a template developed by Ngā Toki Whakarururanga to assess the APEC process, Māori process, against the four articles of the Treaty. How did you feel about that process? What kind of insights did that give you? How did it land with you?

Jason Mika

Well, kia ora, thank you for that pātai. Well, I was just really fortunate to be asked to help out on that project. It was a bit nerve wracking actually because I had to sit in an interview, and in the interview was Pita Tipene, a very formidable gentleman from the north, and then also Traci Houopapa. I had to convince them that I was the right person for the job. The first question Pita asked me is, 'Jason, what's your view on the Tiriti o Waitangi and tino rangatiratanga?'

'I support it all the way there Pita, all the way.'

He says, 'All right, I like that answer. Okay, well, we might keep you on might keep you on. Then the interview just continued. So somehow, I was given that opportunity to conduct the audit, and I was very pleased to be able to do that. It was a Tiriti o Waitangi audit of New Zealand's hosting of APEC 2021. Fortunately, the framework, the methodology, for that audit had already been created by Ngā Toki Whakarururanga. There were about 76 questions in that audit framework, and everything that you could think of to ask about tino rangatiratanga, Māori and Treaty rights was in the framework, so you couldn't go wrong. All you had to do was ask the questions. So, I did. I had Jane counselling me, guiding me, which was just awesome. I learned a few things about Te Tiriti o Waitangi through the work that Ngā Toki Whakarururanga had done, and the framework. Basically, one of the key insights for me was the Crown authority,

Kāwanatanga is there, distinctive Māori Authority is there. And it's a matter how do the two meet? It's not about compromising one or the other or saying we've got to balance it. No, no, no. Mana motuhake, tino rangatiratanga o ngā hapū, te ao Māori is there. There's no compromise, it is just there. So, I went through that whole process of the audit there.

The other key thing that I really learned is: what does true partnership look like? It was a bit of a struggle in terms of working out the relationship between Māori and the Crown in the APEC—in terms of the APEC 2021 hosting—and the principles, if you want to look at what does partnership look like? And what does kind of the relationship between Māori and the Crown look like when it's according to Te Tiriti o Waitangi, the principles that we worked out between MFAT and Ngā Toki, but also the other groups that were involved— FOMA, there was also Te Taumata was there, we also had Whāriki Māori business network from up in Auckland. So, they're all working out how do we relate to one another? The principles actually spell that out quite clearly. Now, we don't have to agree., The Crown and Māori don't have to agree—there's two ways of thinking. Do they come together through that whole process?

Moana Maniapoto

Can you just explain what you did? I mean, so you had this template, the 75 questions. Give us an example of how you'd do it.

Jason Mika

Well, how I did it is basically talk to everyone who wanted to talk to me, who was involved in organising and hosting APEC 2021 meetings to ask them: what's your view in terms of how did you provide for Māori participation, Māori opportunities in this APEC process? How did you resource that? How did you measure the outcomes for Māori from this APEC process? And the meetings and all of the kaupapa.

Basically, I looked at all the documents. Where in the ministry's documents, the plans for APEC, does it talk about Tiriti o Waitangi? Do those statements align with the Ngā Toki Whakarururanga, Tiriti audit framework? Then also, basically tried to figure out well, what's going on?

Moana Maniapoto

And what was going on?

Jason Mika

There were a lot of meetings that were held. Two things probably stand out. One is the sort of regular meetings that were have between a group called Te Rangitūkupu.

So, a partnership body was set up called Te Rangitūkupu, which housed within that Te Taumata, Nga Toki, Whāriki and FOMA. Basically, those meetings were trying to work out what are we going to do in terms of working together for events that support Māori economic and social and political development within APEC? And so that's one aspect. In terms of the events, a lot of that was already sort of pre-planned. By the time that those discussions started to be had, a lot of the planning for how APEC would roll, was almost halfway through the year, they were in 12 months. So, it was really towards the back end, that things started to happen.

Moana Maniapoto

Did you see value in that exercise, that kind of a model? Is there potential for that to roll out again, for different things?

Jason Mika

I mean, yes, there's potential for that partnership arrangement where you've got all those different organisations, working in relationship towards one another in other sectors, whether that's health, education, agribusiness, all those other sectors as well.

Moana Maniapoto

With a Tiriti focused audit going on—auditing, engagement, involvement, participation and decision making, that sort of stuff?

Jason Mika

Basically, shared power, power sharing, shared decision making, Māori having a say over policy that affects them. It's about being able to articulate according to a Tiriti based framework.

Moana Maniapoto

Tane, are you aware of how that was received by MFAT? What was the viewpoint of that? Was it positive?

Tane Waetford

I'll just take one step back, Te Rangitūkupu in many ways set a template for MFAT in terms of MFAT-Māori partnerships. A key outcome as you mentioned earlier, one of those terrible acronyms, IPECTA, the Indigenous Peoples Economic Cooperation and Trade Cooperation Arrangement, was a direct result of Māori participation, and Māori input, and Māori driving that. I will also mention that Te Rangitūkupu is the name of the

taiaha that belonged to my tupuna, Kawiti. Another blessing from the north.

That Tiriti assessment was a pilot. First time done, that I’m aware of, and I know that it was put in there by those who participated as part of that group. So, it’s been a learning experience for us. We’re very pleased to have had Dr Mika do that for us. It’s an honest assessment of the things that were done well and that were achieved, as well as the areas where we fell short or where we could improve.

Moana Maniapoto

Kia ora. Now Maui you’re quite positive about the IPECTA Partnership Council.

Could you talk a little bit more about that, and whether it might be a model that could be included in the CPTPP or at least the Inclusive Trade Action Group?

Maui Solomon

So, the IPECTA, in terms of the time that I’ve been involved with Ngā Toki Whakarururanga, is probably the most positive experience which came out of APEC. It’s something that Māori were really promoting and pushing for, to have that kind of arrangement set up. The good thing about it was that you had equal representatives of Indigenous peoples. Māori from New Zealand, from Australia— Aboriginal people, First Nations in Canada, and Taiwan, and then also state party. So, it was equal within that forum. Actually, there was a very respectful engagement, and it was led by Indigenous people largely. It’s about developing Indigenous to Indigenous trade, but also Indigenous trading with non-Indigenous. For me, one of the real great aspirations—I remember talking to an elder 30 years ago, who was saying we will have made it when we’re trading with other Indigenous nations. So, you’ve got people who are thinking about, and that’s an important aspiration, because we can relate so easily. No matter where you go in the world—you’ve been all over the world, I’ve been lucky enough to go to a lot of countries—you meet Indigenous people, you’re immediately on the same wavelength, because you share the same set of values. So, that’s really important, and I’d like to see that IPECTA model, and that setting up partnership, councils between state and Indigenous people within every free trade agreement. Every single one of them is a stepping stone, to something actually even more empowering.

Probably the last thing I’d say is something that Ngā Toki Whakarururanga is really pushing, and I know Tane has heard this many times, but it’s crucial that Māori and Indigenous people have our own seat at the table, both domestically—and when I say seat independently of the crown—and internationally. This is nothing new. We were asking for that back in Wai262. Actually, the tribunal came out and even said they agreed with that. They said, there are times when the Kāwanatanga might have to take a back seat and have the Māori voice as the preeminent voice. So, we’ve got the Waitangi Tribunal on 262 actually agreeing with that. There are instances, particularly around the climate crisis and environment and things like that, where the Indigenous voice should

be the voice that is leading Aotearoa New Zealand.

Moana Maniapoto

Yes, I know from that experience with the European Union, it wasn't even considered right at the start. There was no Sámi or anything.

I've just got a couple of questions here. What will MFAT do differently for CPTPP hosting, from when they hosted APEC based on Jason's audit? What might be at what might be done differently?

Tane Waetford

APEC hosting is a very different exercise to hosting the CPTPP which is largely boring officials locked away in a room, but one thing we are doing differently from 21 to this year— holding this hui.

Moana Maniapoto

But the big thing that's going to happen in July isn't there, as well Matariki? A big CPTPP gathering isn't there?

Tane Waetford

So, the CPTPP trade ministers will be meeting over Matariki weekend. We will receive them with pōwhiri, there will be Matariki theming around that meeting. But it's largely a closed shop.

Moana Maniapoto

Okay. How does it fit with the audit Jason? A sort of closed shop thing?

Jason Mika

Well, the APEC Tiriti audit looked at what's a better way of working together. It's sort of identified—if you look at the Treaty Framework, it talks about power sharing, equitable access to resources, Māori having a say about what goes on in these sorts of processes, and making sure that there is sort of good capability for Māori to be received and part of these sort of designing of what goes on and what's delivered, and there's exposure to opportunities. Because one of the things that Māori were looking forward to, unfortunately, interrupted with COVID, was to be able to deliver some events that were Māori focused, Māori lead, to receive our Indigenous whānau from overseas. That happened, but it happened online. So, I think when you look at the framework, from their perspective, and the audit, the opportunity going forward to me is well, how do

we actually work together to design stuff that's going to be useful and going to work together?

Tane Waetford

If I may say, again, going back to you, homework, tasking. There will be a session in that meeting with the ministers, where Treaty partner representatives will be able to present their views to those ministers. Part of that will be the outcome from this hui, around what they want to see reflected in CPTPP.

Moana Maniapoto

Any comment Maui?

Maui Solomon

I was just going to remind Tane about that, actually, because we're only talking about that two weeks ago, and he's forgotten that already. Ngā Toki had requested to have a presence and to speak at that. Tane said, yes, of course Ngā Toki Whakarururanga must be there. I think, didn't you? What did you say?

Moana Maniapoto

Question. Could you please confirm whether or not there is anything in the CPTPP that requires us to legislate changes to the way natural health products are produced in Aotearoa and made export ready?

Audience

The Therapeutic Products Bill and I'm trying to work out that role MFAT has in the development of internal domestic health policy and legislation? I'm assuming it must be coming from our international trade agreements.

Maui Solomon

Just before we wind up, I had actually prepared three brief slides. While we wait for the slides to go up, I just want to say one thing about Māori working within government departments. I remember talking to a group back in the 90s, and I was getting stuck into government departments and Māori working in them undermining what was happening and this young Māori woman said, 'Well, hold on a minute, we're working within these departments, we're doing our best, we're officials where we take that back out to our people.' That made me think it's important to recognise that Māori are working within government departments, and we should support that. It's whatever career they have,

but the important thing is that they bring that back out and help people eventually. It's important not to bag our Māori who are working in those government departments, because we all have a pathway to follow. I'm following one pathway, others are following others, and Tane is following his pathway. The picture on this slide is one of my favourites, this is a Tom Scott cartoon. It kind of says it all really, doesn't it? Then the next slide, for those younger ones in here that won't recognise this but that's Geoffrey Palmer, who got the amendment for the Waitangi Tribunal to take claims back to 1840. But then later on he stopped being a politician and he became a lawyer and started undermining all because he thought Māori were getting too stropky. So, he wanted to cut that one down. And then the last slide is quite a good one too. You have just got to read the captions. Can you read it out there? Another Tom Scott.

Moana Maniapoto

I love Tom Scott.

Well, thank you very much. Jason, thank you for your kōrero. Tane, thank you for joining us on stage today and moving things along. Maui, always wonderful to have you share your insights from your long, very committed career in this space. So ngā mihi.

Maui Solomon

In honour of our moderator, we're all going to sing one of her waiata—you can help us right Moana?

Moana Maniapoto

(All speakers sing the song)



Image from Te Kāhui a Kiwa,
conference, day one.



Scan here to
view the video

Can reviews of CPTPP and the work of ITAG create a Tiriti-based space?

Moderator: Moana Maniapoto, Co-covenor, Ngā Toki Whakarururanga

Speakers: Tania Pouwhare, General Manager, The Southern Initiative (Auckland Council)

India Logan-Riley, Action State Climate

Carrie Stoddart-Smith, Director, OpinioNative

Moana Maniapoto

Tēnā koutou katoa. I'm delighted to have these three fierce warrior women on stage with me. We're going to tease out this topic: can reviews of the CPTPP and the work of ITAG create a Te Tiriti based space. So that's going to be a nuanced discussion, perhaps, or could be a slam-dunk in the first two minutes we'll see how we go. I just like to invite India to introduce yourself and mihi and we'll just come along in line before we kick in.

India Logan-Riley

Kia ora koutou. He uri ahau nō Ngāti Kahungunu, Rongomaiwahine, Rangitāne. Ko India Logan-Riley ahau. My name is India. I come from Kahungunu, largely based between two little settlements Haumoana and Waipatu, but come from the Patangata Valley originally. I'm the oldest of five children, they're the reason I do what I do. I have an academic background in archaeology, but got really distracted by climate change, after experiencing the ways in which that was impacting back home. So, I've been in the climate space for nearly 10 years now. Working with rangatahi Māori and Pasifika in campaigning and carving out



Image from Te Kāhui a Kiwa, conference, day one.

spaces for our young people to come through. That’s looked like doing things like going to the UN climate change negotiations, several iterations. It has looked like supporting the social media kaupapa, Ihumātao and that kind of thing. So, across lots of different spaces, the intersection between climate change and Indigenous rights. I currently work part-time as the climate justice organiser at an organisation called ActionStation,



Image from Te Kāhui a Kiwa, conference, day one.

and then work part-time as a community researcher for a rangatahi and housing research project out of Pūrangakura, under the guidance and expertise of Jenny Lee Morgan and Rau Hoskins, shout out to them and, and their kaupapa. Then of course on Ngā Kaihautū for Ngā Toki Whakarururanga, because we can’t talk about that kaupapa without mihi to all of you who are Ngā Toki Whakarururanga and the incredible mahi that’s gone in, the decades—almost like hundreds of years that have gone in terms of the extension of the struggle and the mentorship that has been offered and provided through that by the likes of Jane, Moana, and Maui, and Peter. Just mihi to all of you for being a part of the journey, and for those of you who are here today as well to be a part of that kōrero.

Moana Maniapoto

Thank you. Thank you. Lovely to have you join us. Kia ora Carrie.

Carrie Stoddart-Smith

Kia ora koutou. Ko Carrie Stoddart-Smith tōku ingoa. Nō Ngāpuhi me Ngāti Whatua ahau. I’m a business owner, started during COVID. I guess I’ve always been passionate about trade since doing my master’s and so I decided I was going to rather than work for the Crown, which I did previously, I was going to contract myself back to them and charge them for it. Following that, I’m a board member as well, a pūkenga with Ngā Toki Whakarururanga, and I do some work with Ngahiwi as well on Te Aratini. So, hopefully we get to talk to you about that as well over the next few days.

Also, I’m a founding member of the Board of Directors for the Global Center of Indigenomics, which is led by Carol Anne Hilton, one of Canada’s premier Indigenous economists. So, it’s great to be here and I’m looking forward to digging into this topic with my colleagues here.

Moana Maniapoto

Kia ora Carrie. Tania.

Tania Pouwhare

Ko te mea tuatahi ka nui te mihi ki te mana o te whenua, ngā marae, ngā hapū o Waikato Tainui, tēnā koutou. He mihi whakawhetai ki ngā kaimahi, ngā kaiwhakahaere o tō tātou wānanga. Tēnā koutou. Tēnā koutou e hoa mā, tēnā koutou wāhine mā te taumata o tō tātou wāhanga. Kia ora. So, my name is Tania, and I am the general manager of social innovation and I’m based in Auckland Council, and our job is social and economic regeneration in South and West Auckland and Māori and in Pasifika, in particular. Our job, I guess the best way to describe it is to disrupt the economic inequality that’s blighted our largest city, and our largest concentrations of Māori and Pasifika in the country and replace that with an economy of mana. So very much working at two levels of systems change, whilst also having to deliver tangible outcomes for our whānau because they can’t wait for incremental systems change, they need the change now. That’s our space, and my work has primarily been leading on the economic mahi, and in particular, our work around public sector procurement—so, the money we spend as public sector—and ensuring that Māori get a fair go, Māori-owned businesses, for example, get a fair go at being able to contract for that work. And to keep money circulating, make it sticky, keep it circulating in our in our communities, rather than it leaking out which is the story of South Auckland.

Moana Maniapoto

Props to South Auckland, I’m just saying to Tania, I’m so thrilled she’s got a job even though a maniac Mayor nearly knocked it on the head—that came out of my mouth, not hers. So, your work with the Southern Initiative is built on that idea of an economy of mana, and it’s very empowering for our local communities, it’s really well thought of in the networks that I’ve moved in—living wage skills development, strengthening whānau—and I know you’ve looked at whether these kinds of agreements that are being negotiated, can support those ideas around social procurement or, to what extent they are barriers? Could you provide some insights into that.

Tania Pouwhare

So, I’ve tended to focus on the least sexiest chapter of the agreement, which is the government procurement chapter. When I’m talking about procurement, I’m talking about the way in which local councils and actually, in this case, the central government and its agencies buys goods, services and works. So, the point of that chapter is to make sure that there’s consistency across parties and how governments do that. It’s also about liberalising government procurement markets. I think that’s the first red flag. When have Māori ever benefited from deregulation or liberalisation of state apparatus? The reason

why I’m focused on this, and why I think it’s so important is because the public sector is such a big consumer, in small economies, like ours. So, for example, the Auckland Council, which is a local body, we spend \$3 billion a year just buying stuff. That’s not the money we spend on our own staff. That’s the money we spend out in the market—central governments like 50, or 60 billion dollars a year. So, we buy a lot of bread-and-butter stuff that our people are involved in. For example, Ministry of Education is responsible for 15% of all construction in this country. So, we have a huge market shaping role, and we can use that for positive or non-positive reasons.

So, why, why does that procurement chapter matter? Because it’s quite procedural, it’s pretty dry. It’s all about the don’ts of procurement. It’s not really an enabling thing. It’s making sure that everyone knows the don’ts, the rules, and about how sovereign states purchase the things that they need from roads, right through to digital technologies, the laptop that I work on at work, for example. Now, one of the rules in that chapter is that there are no offsets. There are some exceptions for developing countries, and there’s an exception around disabled people, and prison labour and stuff like that. What an offset is, is that it forbids a country from being able to build in domestic content into its procurements. That includes domestic suppliers, so our own.

I’m being able to do things that might improve the balance of payments in a particular procurement. I think it’s also interesting that the exception is around, one of them is around disabled people, and one of them is around prison labour, which are the two population groups we don’t have to pay the minimum wage anyway. But those rules are there so that you can’t treat someone less favourably and these are not bad principles at all. You have to be non-discriminatory; you can’t disguise things. You can’t create unnecessary obstacles, and you can’t circumnavigate stuff. So, that’s a reason that those are reasonable things. But why does that matter to us? It matters to us because we’ve got a fledgling supplier diversity movement here in Aotearoa. So, what that is intentionally levelling the playing field, so that our businesses get a fair go at being able to win those contracts. It is not a quota. It is levelling the playing field. It’s got an illustrious whakapapa; it comes from the Civil Rights Movement. They’ve been doing this in the States for 60 years. Australia does it as well, Canada, too. We have in this country a progressive procurement policy with targets. That is the type of thing that is tricky to align with the procurement chapter—it can be.

Why it matters for us is that our own government is a huge market. It’s clear that there has been discrimination in the way in which the public sector purchases goods, services and works for example, 6% of all businesses in Tāmaki Makaurau are Māori owned. Yet, when we first set out on this journey four years ago, only 1/3 of a percent of our procurement spend was with Māori businesses, and they run the bread-and-butter stuff that we buy. So, there is an inherent discrimination that needs to be taken out of that system. In saying that, those 6% of Māori businesses employ 14% of all Māori in Tamaki Makaurau, so we’re getting such amazing bang for buck. Owning your own business is one of the few pathways left to mana motuhake, economic mana motuhake. It’s the only place where we see income parity between Māori and non-Māori is people who own their own businesses and employ others, we don’t see that in employment. Also, Article

Three, whilst we have enduring socio-economic inequality, we will never realise Article Three.

There is the Treaty exception. But it would need some interpretation to get to the point of being able to defend the progressive procurement policy. There are other exceptions around public health, et cetera. and there are thresholds. So, it's only procurements over a certain value that get caught in this agreement. There is some leeway, but my concern is the protection of what we are trying to achieve here, that economic inclusion and equity, and what we don't need is to flog off that future opportunity. I'm also really cognisant of not flogging off our labour rights as well, because most of us are workers. So, that's not in this agreement, but we must always be vigilant about that. Does this agreement disable or enable? It is yet to be seen. It's yet to be tested. But I would always err on the side of caution and protection and pre-empting any potential unintended consequences.

Moana Maniapoto

So is your concern, your key concern, around the potential undermining of progressive procurement because of this chapter, and the domestic situation here being undermined?

Tania Pouwhare

We would have to prove something like that would fit into the Treaty exception, and why make things harder, make more work? It's fledgling. So, we have a program called Amotai, it's an intermediary that connects buyers. We've got 1,600 Māori and Pasifika owned businesses, they employ 22,000 people, mostly Māori and Pasifika, disproportionately wāhine and a quarter of them are under 25. If we don't pull out every stop to nurture this industry, I'm just thinking about the argument about incrementalism, inequality will travel far more quickly and far more deeply than incrementalism could ever hope to mitigate. So actually, we need all levers pulled, and we need them pulled now with absolute urgency.

Moana Maniapoto

So, could the Inclusive Trade Action Group make a difference? I know we're in this review thing. So, could that make a difference by including that in their work?

Tania Pouwhare

Yes. I'm going to be hopeful and optimistic and say that there's an opportunity there. Wouldn't it be amazing if we turned around from having to kind of be in protectionist mode to being sick with opportunity because it's worked so well. I think that the overarching thing for me is that it's a mistake to think that these things are void of

morals, that economics is somehow subjective, and it just works itself out. What might it look like, if we translated mana-enhancing economy of mana, tika, pono, mana motuhake into very tangible, meaningful actions that that group was actively progressing?

Moana Maniapoto

Well, I think if anyone can do that, it will be you. No pressure. Kia ora. Thank you very much. It was fascinating, I really appreciate that.

Now, Carrie back in 2016, you made some very critical submissions to the select committee on the TPPA. Since then, you've done quite a lot of work, trying to create a trade related space that not only empowers Māori, but also Indigenous peoples affected by these agreements. So, do your initial concerns about the TPPA, CPTPP do they still apply?

Carrie Stoddart-Smith

Hell yes. 100% they still apply. The three points that I did make in there were that there was an adequate time to make submissions on the TPPA. I can't actually remember back to the time, but I feel like it was as little as a week. It was very, very short. This is a 4000-page document that we were given after 40,000 of us walked up the street against this agreement, and then we were given such a short time. So, I think the concern still stands, but maybe not so much necessarily in that context, but now that we're in a position where, for instance, there's Ngā Toki, there is Te Taumata, and it's around access to the negotiating texts, and how much time we're given to input and respond to some of those documents.

There are also the transparency issues on what we can talk to people about that is in those documents that also remain.

The other part was also around the level of involvement of the Treaty partner. In that submission, I think that I had referred to it as hapū and iwi. I take your point Annette from this morning, that hapū is in the Tiriti. So, that is the Treaty partner, and how we need to be looking at that. I think that's an important point, because I think, not just in the trade space, but when you look across the public sector, they're all going out going, 'Hey, we are engaging with the Treaty partner', and it's like any Māori is the Treaty partner to them. We need to have a conversation amongst us to say, how are we going to talk about who the Treaty partner is, and then saying that these might be some interested people who have expertise, who could offer something to this conversation. But the mandate must go back to hapū and so there's that issue, as well. There has been some progress there, and prior to CPTPP, there was engagement with FOMA and the iwi chairs. But there wasn't much more engagement, beyond that. So, now with Ngā Toki and Te Taumata set up, I think during APEC, that they're reaching out to Māori Women's Development and reaching out to Whāriki into a range of different stakeholders. It made

a difference. It's nowhere near what we want, and it's certainly not enough. So, that was the second point that I made.

The last point I made was around the Treaty exception clause. It was very uninformed, as I say, in terms of my criticism of it, because the criticism I have of it now, it's far worse than what it was then. That is because I have the information from those who took that claim through the Wai2522 claim and have read that report. I've also read Amokura's assessment of that, in the book that actually Risa Schwartz was editor of on Indigenous trade. I'm going to try and lay it out for you, because I don't think the parts have been laid out yet for it. But if I get it wrong, you need to go talk to Professor Jane Kelsey, and she'll correct anything that I got wrong. Basically, there are kind of three parts to it. The exception allows the Crown to take any measures it deems necessary—so that's itself judging part that actually we like—to accord more favourable treatment to Māori, which is the part we don't like that's limiting in scope. I'll come back to why. Then it uses a chapeau language which is used in other exceptions and WTO law, which says as long as those measures aren't deemed under justifiable discrimination or an arbitrary restriction on trade. So, the reason we don't like the more favourable treatment part is that, while it's a defence but if the government implements something that's more favourable to Māori—it doesn't help if the government says, 'Hey, we're not going to implement a thing. Because if we do that thing, we breached the Treaty.' So, we don't like that part in there because it further limits the scope of what we can use the exception to protect in terms of our rights. And we don't like the chapeau language, because it limits the policy space that we have and allows the parties to that agreement to complain to our government. I think it's what you call the regulatory chill factor comes out from that.

So, that is the three things that I said in there. What the government has done is at the WTO, recently, it tabled a very strong Indigenous exception clause under the JSI (Joint Statement Initiative) on e-commerce, and that is reflective again of the work that the Wai2522 claim brought in and raised those issues and taking it before the Waitangi Tribunal. So, this exception removes the more favourable treatment language, and it removes the chapeau language as well. It also and that when New Zealand tabled some of that language or tabled some specific carve outs, that also gave some extra oomph for ensuring that the Treaty of Waitangi was seen as a legitimate public policy objective under New Zealand's system of law.

So, I think there have been some changes. But there's also been backwards steps. there can be language out here and we take it forward, but then we would step back too often, and it's like, we don't have the courage. What we've heard up here today, everyone says, we need the courage, and not just us Māori, the Crown need to have the courage as well, to stand up and go, 'we need you to agree with this, not because it's a nice thing to do, but because it's the right thing to do'. I think that's what needs to be put forward in a stronger tone. I know that we heard things have to happen incrementally. I do understand that there are diplomatic relationships, and these things are very challenging. But if Crown were better at helping Māori forging engagements, with these countries, with those political departments, not just when there's something on the table, but just in general to build out the whanaungatanga, that we can take

those people from hesitance to assistance, because we want them to help us to convince other people. I think one of the biggest things that I saw that was really disappointing was when they dropped the ministerial led Māori trade missions that TPK lead, because those Māori trade missions, they weren't just about going out and getting commercially driven outcomes. Ngahiwi was a huge player in having those set up. They were also about forging political relationships, forging cultural relationships, and making sure that when perhaps there were going to be tensions because they were political sensitivities, we already had a relationship to lean back on, because we were doing these engagements at a government level as Māori, on a regular consistent basis.

Moana Maniapoto

Fabulous. Thank you. Thank you for that, saying that about the Treaty exemption clause, because that is always trotted out a lot as kind of like, we've got this, we've got that. I was just thinking when you were describing it, the first part about that Treaty exception clause too, is that the Crown determines on what issue it might move things along. So, there's an issue straight away isn't there? But how might the reviews of the CPTPP and the work program of the ITAG address things?

Carrie Stoddart-Smith

Well, I think there's a huge opportunity, like Tania was saying with the ITAG, because what we know about the ITAG now is it's not just the CPTPP parties. So, I think that's actually a good thing, because it means that we've got IPECTA of which Canada and New Zealand are party to. There's an Indigenous aspect in that, and ITAG work program. Actually, IPECTA was intended to start in the margins of that, and then it just became part of APEC. So, we've got IPECTA as an open plurilateral, we've got the ITAG, which is now looking like an open plurilateral kind of agreement, then why aren't we bringing that under there where we've already got four countries who were who has signed up to that thing, and starting to build that momentum with those other parties, maybe Mexico, Chile, Ecuador, and Costa Rica? Why wouldn't we be trying to get them on board with IPECTA to grow the IPECTA Mandate for Indigenous people, and then use those parties to help us shape and get things through the CPTPP commission.

So, I definitely think New Zealand and Canada need to work harder and stronger on the Indigenous side of things. I think the ITAG is actually a really great place to start by bringing in those things that we already have agreements on. So, even the Indigenous Collaboration Agreement between New Zealand and Canada, which was led by TPK. While that's an unresourced arrangement, at the moment, bringing all those things together within the ITAG context is actually a really smart way of going, 'Hey, we're going to bring these things together and just grow the membership'. Because once we've got these friends and allies, we can take those relationships to other forums where, for instance, the WTO, where they're all members, and they might start looking at how we convince members of the exceptions in the language that we want included in some of these new multilateral and joint statement initiatives. I definitely see an opportunity

there, and that's how we can start doing something, I think we start with the things we've got, don't try and create something new.

Moana Maniapoto

Kia ora. Thank you, Carrie. Ngā mihi ki a koe. Now, of course, there are some things that aren't mentioned in the CPTPP, and India as a young climate activist and advocate, the CPTPP and the activities of ITAG can have a major impact on your future and yet, climate change isn't even mentioned in it is it? For some reason that seems to be that the states insisted on just having a vague commitment to cooperate with each other to transition to low emissions in there. So, if you were to put three things on the agenda for the review of the CPTPP, and for the work program that ITAG, what would those three things be?

India Logan-Riley

First thing is that, obviously, the exemption or the leaving out, the negligence around the climate crisis in the agreement is quite intentional, actually. I think that goes way, way back to when colonisation first arrived it was about power and the accruing of resources, the stealing of land, the acquiring of profit. So, doing things around addressing climate change would affect the ongoing accruing of profit for Empire. It's a convenient thing to leave out climate change for the ongoing perpetration of that greed basically for colonial nation states. So, just mentioning climate would be the first one, but this is where it gets really frustrating, and this is where it gets hard and the different teams within the Ministry of Foreign Affairs and Trade is that there's a lot of inconsistency across language, and I guess standards that we end up signing on to. So, there's much stronger language around climate change and the protection of Indigenous rights in the Paris Agreement—and we've signed on to that—or the Convention on Peoples with Disabilities—we've signed on to that—the Declaration of Rights of Indigenous Peoples, the language is already there. It just gets left out of these trade agreements, which then ends up enabling harm as was spoken about. I think there's some consistency that's needed there. You touched on some of the transparency struggles, and we know that within the climate negotiations at the UN level that once the doors start closing, and civil society isn't allowed to observe the negotiations anymore, the shady stuff starts happening, and people's wellbeing becomes the kind of political horse trading behind closed doors. So, countries can kind of get away with a lot more. That's what the secrecy enables essentially.

Then, of course, another thing to be mindful of within these free trade agreements is the Investor State Dispute Settlement process. ISDS, another acronym for the books. But basically, if New Zealand wants to do anything about climate change, that's going to affect a company's profit that's overseas, and they're in the free trade agreement, or their country's in the free trade agreement, they can take the New Zealand government to court, and the New Zealand government will be forced to step back on those climate policies. I just think that's really frustrating and disgusting. And actually, the Crown does

not have the legal power to convey sovereign statehood onto corporations. But through investor state dispute settlement clauses, that's what they're doing. In Te Tiriti, there's not any language, any legal powers conveyed to the Crown to be allowed to do that, to allow corporations to not be held accountable and to just act as if they're a nation state who can take other nation states to court. That can't be allowed. We saw that even with the foreshore and seabed and the confiscation of that. Of course, Moana Jackson talks about this that, at that time, all companies were sniffing around wanting to do offshore oil drilling. When we enable these corporations to have these legal powers usually there's an ultimate ulterior motive happening behind, and we're starting to see that rumble out now with deep sea mining and those kinds of agreements that are coming out.

So, I would take Investor State Dispute Settlements out because also that then impacts on Māori and hapū's ability to be able to say, 'Hey, no, you can't come and do that in our backyard'. We saw that in Kahungunu as well, we had to actively sail out against them and issue an eviction notice saying, 'Hey, you can't come here and look for oil'.

Then of course, the bigger piece around Te Tiriti. If anything, that's the overarching one. There was a document set up to create, nurture, and maintain the wellbeing of people who lived here, and of the places here and of the whare o ngā atua here. So, anything that doesn't uphold to Te Tiriti is a threat to that wellbeing of us and of the places we live in, and that we love. I think it's really important to make sure that we utilise the superpower of Te Tiriti o Waitangi. Because it is an incredible framework that we need to lean into, in order to make sure that free trade agreements or international treaty or domestic policy, that our people get to be well into the future. That's not just Māori. That's everyone who lives within these lands, as well as whānau who live overseas or also live dealing with the impacts of climate change.

Moana Maniapoto

So India, you talked about Investor State Dispute Settlement? Can you give an example of how that has been used overseas, to kill off domestic policy around climate crisis?

India Logan-Riley

So basically, the EU can't make progress towards its renewable energy targets by 2050 because of overhanging ISDS from previous agreements. When we're dealing with a climate crisis right now, it doesn't make sense to hold on to those things. Then also, in the case of the US, the same thing has come up. I can't remember the exact details, but you can definitely google it. I know that was a core fear in the TPPA negotiations that so many people who took to the streets are really, really concerned about because we could see the writing on the wall around climate change that allowed fossil fuel companies to stop that would be really, really dangerous.

Moana Maniapoto

So as a campaign at ActionStation, one of your roles is to mobilise people. There'll be young people, Māori, Pākehā, everybody. What can we do to make the climate an issue for CPTPP?

India Logan-Riley

I think, actually what was being spoken out about in terms of working conditions, and that kind of thing is an avenue through into talking about these trade issues. We're in a cost-of-living crisis, and that is because of, again, the profiteering by these corporations who are reporting record-breaking profits in the face of people living in their cars. Which is disgusting. So I think that's the way we talk about it. For me, I didn't get involved, because I love the landscapes that I grew up in, and they're in my bones, and they're in my body, and they motivate me and everything in this—but also, it was a human rights issue, there was an issue for our people losing our whenua all over again. Down the road from my mom's house, we lost the first house into the ocean in the 2000s. So, it was climate change, an extension of colonisation coming for our whenua all over again. That's why I got involved. I think when we're talking about these conversations, making them really tangible, making the impacts really tangible. I know because we've got a very good comms team in other parts of the trade space, who would be very quick to say, here's how it will benefit you. But they're not going to be honest about actually, here's how it's going to hurt you. We know that these free trade agreements and the patterns of economics in these lands post colonisation have done harm. So, we have to talk about what could happen and not to fearmonger as well, but it's also a chance to plant seeds. Again, of course, always Moana Jackson, we talk about the one of the greatest things that colonisation never took from us was our imagination, and it's being able to imagine economic systems, free trade agreements, multilateral relationships that foster wellbeing and support rather than just saying, 'Hey, you could get this little thing over here, if you ignore all of this, that you've had to compromise in order to get that'. So, it's those conversations. Then as we move forward into election year—make sure that you're ready to vote, make sure you're enrolled, make sure your whānau are enrolled to vote, and be having these conversations. They're hard conversations, like the Springbok tour, and everything that erupted around that still sits on people's hearts in this country. But it is important that we have these conversations, and we do see to that wellbeing because communities, worlds, people's lives are on the line with this kind of stuff.

Moana Maniapoto

It's interesting too, because if I mentioned free trade agreements to people, then they zone out. So, it's like the phrase constitutional transformation, which is so important to a lot of us here, it sounds very academic, we really need to find another more fabulous phrase. But it is sometimes about talking particularly to young people about the impact of free trade rules on their lives, that it's not just about selling fish, or meat or whatever,

but it can seriously undermine the climate, our domestic policy around climate, our cultural and intellectual traditional property, mātauranga. So, are young people, do you think, attuned to it? There's a lot of priorities, a lot of people are balancing a lot of priorities. Some people are just struggling to feed their families. So, how do you pitch that out there?

India Logan-Riley

Of course, social media and doing really good storytelling. This is where our creatives are actually really, really important. In the climate space—no offense to the lawyers in the room or those who studied law—but the movement for a while has been filled with environmental scientists and lawyers, and there are certain ways in which we're still losing because of that, because we need our artists and our filmmakers, and our documentary makers and our storytellers saying, 'Hey, this is what's going on'. I know we talked about bravery and young people being brave, but it is also that our older generations need to be willing to be wrong. We know that Socrates said, all the young people, they're just lazy, and they don't respect their elders and da da da da. That's 1000s of years ago. So, it's an ongoing tension. It's not new. But if we want our young people to be leaders, then we have to be willing to be challenged. I know I'm aging out; I'm going to be youth adjacent soon, and I need to remind myself of this is that we have to be willing to be challenged and not just mentor young people into positions of leadership, that is just about 'ok I agree with your politics, and you can come through', and that kind of thing, is these are tense rumbling times. What's hard is that the negative impacts are starting to really steamroll and they're really manifesting in what our atua presenting back to us, and that also means that we're having to learn and respond really quickly. I know that we can get touchy around shifting political norms and morals, especially when our young people are just saying 'and this and this, and this', but actually they've had the time and capacity to think about this kind of stuff, and to see to those further horizons, we're talking about waka. That's the whole point of tino rangatiratanga is to then see beyond, and maybe there's some rules that get broken along the way and we have to be okay with that. Maybe there's some tensions that rumble around but that's what we have wānanga for, that's what we have discussions at our dinner tables for. To be able to move through those tensions and those disagreements as well.

I will say, again, if rangatahi are coming into these spaces, because I think that my generation and younger generations are so switched on, they will not settle for crumbs. Land back. Absolutely. Economics needs to be transformed. I love that. I also want to shout out to those who are non-Māori and stepping into that space as well. We have an incredible cohort of allies coming through, who are staunch in that struggle as well. With this switched-on-ness, it's never just one rangatahi brought to the rōpū. It's always more than one, preferably more than 2,3,4, and we do have to be paid for our time. Rent? Until we can transform to a point where we don't have to rely on the market to house and feed our people, then we've got to be paid in the meantime. It can be supported; it is hard to be called out by an aunty. We all have those stories, that aunty who saw you do something wrong in the marae and it was a smack. But I think it's being able to do

that, in ways that still maintain ongoing access and support. It's not like, 'I don't support you, so I'm not going to talk to you anymore', because it's actually really childish. But it's that whanaungatanga, basically, and really re-embracing that. Because it is part of what Annette talks about with doing things our way and doing things as if we've already won, because that carves out the spaces in the ways to be able to have Matike Mai without having to wait for the Crown to do it. There are so many other things I could say about the power of rangatahi, but I'm going to leave it at that.

Moana Maniapoto

Kia ora. Now, Tania a question since Australia and Canada have carve outs for Indigenous procurement, doesn't this context support the interpretation of the Treaty of Waitangi exception as covering procurement?

Tania Pouwhare

Well, that's not explicit in our agreement. So, it's actually Canada. Canada is very clear in its schedule, that chapter 15, which is the procurement chapter does not apply to its Aboriginal procurement policy, including a thing called set asides. Set asides is where you will take procurement, and it is only open to competition by, in this case, Indigenous businesses, for example. That's not in our one. Is it helpful? Yes. Would it be even more helpful if we had something explicit in our agreement? Yes, but I don't think we can rely on other people have got it so therefore, we're covered in it. We need to ensure that this is absolutely protected. The best way to do that is to have something concrete, like what Canada's got. The Australian one is actually services for Indigenous people. So, health, education and also social and economic advancement. It's not necessarily Aboriginal and Torres Strait Island Businesses.

Moana Maniapoto

Is it remotely possible to get regenerative business as a new foundation in the CPTPP?

Tania Pouwhare

Why not? You know, trade, enterprise R&D, innovation, they all predate free market capitalism, right? This is not new. Marketplaces existed long before we had the type of economy that we live under now. Why not? It's a lack of imagination coupled with a huge number of vested interests that would prevent that from happening. I don't see why it's not possible. We're not defying gravity. These are man-made systems, and I say man-made deliberately—a man-made systems and they can be unmade. That's not the law of physics.

Moana Maniapoto

Kia ora. Thank you very much, you three fabulous women. Gee you're neat. India, Carrie, and Tania, I really appreciate your kōrero. I'm sure everybody did. There are some papers out in the foyer near the kai table so those have got the analysis that Ngā Toki Whakarururanga did around for the CPTPP and some other papers there that you would be encouraged to read. They provide a window and some important capturing of the corded or that we've had in the last three sessions. So, thank you very much for your kōrero.

Moana Maniapoto

(sing the song) She's a warrior woman. Her work is never done she's got her back for her people. She won't bow to no one, got that look in her eyes. Know what you mean? She's a black pearl original the girl of my dreams.



Image from Te Kāhui a Kiwa, conference, day one.



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Ministers' remarks

Speakers: Hon Nanaia Mahuta, Minister of Foreign Affairs (recorded address)
Hon Rino Tirikatene, Minister of State for Trade and Export Growth

Hon Nanaia Mahuta

He hōnore, he korōria, hei maungārongo ki te mata o te whenua, he whakaaro pai ki ngā tāngata katoa, tēnā koutou. Thank you for the opportunity to address you all this evening. As you know, Aotearoa New Zealand's signed the CPTPP, the successor to the TPP in 2018. I won't go into the technical details; I'll leave that for Vangelis to cover off tomorrow. But the CPTPP provides significant commercial opportunities, for Māori in particular, and to strengthen alliances at a time of increasing global economic uncertainty and protectionism. The CPTPP also responds to a broader set of issues at play, particularly around investment, intellectual property, health, as well as the impacts of international trade. The government heard the strong concerns that were raised and suspended 22 items from the original agreement. The government also heard the calls for change, not just to trade agreements, but also engagement with New Zealanders including Māori. The Trade For All board was established to hear from New Zealanders views on these processes and outcomes, resulting in a range of recommendations and changes to better enhance trade opportunities for all. And that took



Image from Te Kāhui a Kiwa, conference, day one.

account of our values, environmental protection, climate change, labour, sustainability and inclusive trade. New Zealand established with Canada and Chile, the Inclusive Trade Action Group, with a particular focus on trade and gender, and trade and Indigenous peoples. And I'm pleased that Mexico joined this initiative in 2021, with Costa Rica and Ecuador joining this year.

We didn't get everything right, the TPP and the CPTPP process, including the Waitangi Tribunal claim and breach finding highlighted Māori rights, interests and concerns about trade. Important changes have been made to address these issues, including, as a result of the Wai2522 claim, MFAT has taken active steps to lift and improve its engagement with Māori on trade and economic issues and free trade negotiations. This has seen the Wai2522 claimant group, Ngā Toki Whakarururanga establishing a partnership arrangement with MFAT under a mediation agreement. It is also notable here that MFAT has established both formal and informal partnerships with other Māori entities: Te Taumata, Federation of Māori Authorities, and the national iwi chairs forum. These partnerships provide a framework for us to work together on issues of particular interest or sensitivity for Māori, like specific chapters addressing Māori and trade development, and the recent UK and EU FTAs.



Image from Te Kāhui a Kiwa, conference, day one.

As a government we're doing more to ensure that Māori and Indigenous peoples can participate more effectively in key trade policy discussions and negotiations than ever before. But participation is one part of the journey. As we know, creating the right context for partnership and protecting the unique aspects of what, and who we are is a dynamic opportunity that we are all a part of.

To conclude, Aotearoa is hosting the CPTPP Commission and Senior Officials meetings this year. Our hosting provides an important opportunity to showcase our culture and our values. But importantly, it provides an opportunity as the chair to bring attention to some of those issues in the CPTPP and trade policy more broadly, that need to be addressed, including in relation to mātauranga Māori. This conference provides an important opportunity for you all to come

together and to bring your collective thoughts and to find solutions on how trade through both promotion, as well as rights protections, can benefit everyone. It is vital to have everyone here talking about this kaupapa. And I commend you all and thank you for giving up your time to have these discussions. While I can't be there with you, I wish you a successful hui, and I look forward to hearing about the outcomes that I understand will be presented to CPTPP trade ministers in July. No reira tēnā koutou, tēnā koutou katoa.

Hon Rino Tirikatene

Kororia, harirua ki a Ihowa o ngā mano mātua tama wairua tapu me ngā anahera pono mā te māngai hei tautoko mai āiane i ake nei ae. Tēnā koutou ōku rangatira, tēnā koe Te Arikinui Kiingi Tuheitia, Potatau Te Wherowhero te tuawhitu e noho nei i runga i tahurewa tapu o āua tīpuna. Tēnā koutou katoa. Tēnā koutou i ngā mātāwaka, i ngā manuhiri tūārangi kua tau mai nei. He hōnore nui tēnei. Ko ahau ko Rino Tirikatene. Ko Tahupotiki tēnei, ko Toa Rangatira tēnei, ko Rarua tēnei, Ko Pokahauwera tēnei me Ngāti Hine tēnei e tū atu nei e mihi atu nei ki a koutou. Tēnā koutou e ngā mate huhua o te wā, haere i ngā mate, haere atu rā, hoki mai ki a tātou te kanohi ora e pai nei. Tēnā koutou, tēnā koutou, tēnā tātou katoa.

It's wonderful to be in attendance at this CPTPP Indigenous hui. Can I acknowledge all of Te Whare Wānanga o Waikato as hosts and everyone who's taken part here, and all who have travelled from far and wide, I know you've must be having quite a long day. It was nice for me to get a leave pass out of parliament this afternoon, to come up here. I want to acknowledge my tuahine, the honourable Nanaia Mahuta, who's definitely set the scene in terms of how important CPTPP is for Aotearoa, but also the great scope that it provides for our whānau in terms of trade across the motu. That's really what I want to talk about today.

I'm the Minister of State for trade and export growth, so when we have the CPTPP Commission hui just in a few weeks' time, hosting all of the trade ministers from all of the 11, and soon to be 12, CPTPP economies, I'll be I'll be there supporting, representing, Aotearoa and as host Minister O'Connor will be chairing the commission meetings. So, it's a big deal for us, for Aotearoa, and it's actually great that we are embodying our Trade For All kaupapa, which is our agenda as the government that we've put in place to ensure that the benefits of trade from the likes of the CPTPP permeate, reach, and extend right across all of Aotearoa society, and in particular, across all of Māori as well.

So I acknowledge all of our chiefs in the room, and I see so many of you. Thank you for your interest in trade policy, but also for the ongoing kōrero that I think is vitally important. When we put in place these mega trade agreements like the CPTPP, it's always important that we remain grounded and we remain connected to our people, to our stakeholders, right across and in particular to iwi Māori katoa. So I am, of course, I'm going to be extolling the virtues of trade, because it is such an important part, and it always has been, part of our economy, and even our tīpuna were all obviously always grasping at those opportunities, particularly around trade.

Before I do, I want to just acknowledge the passing today—I received the news today about the passing—of a wonderful public servant of many years and an amazing, amazing wāhine rangatira and her name is Whetumarama Wereta. Whetu Wereta was the wife of Tumanako Wereta, who was another amazing gentleman rangatira, and whose whānau created and are right behind the amazing Tuaroapaki Trust and all of those interests up there for those of you from the central North Island. But Whetu

Wereta, I want to acknowledge her today because a lot of the work that we are doing now, we are resting on the shoulders of those that have gone before us. Not too many people know this story but Whetu was the private secretary for the honourable Matiu Rata in the Kirk government back in the 1970s. She was actually with Minister Rata, she was the architect, she was the scribe who wrote the cabinet paper on the Treaty of Waitangi Act of 1975. That Act put into law—through her penning, her writing that paper—the principles of the Treaty of Waitangi, the creation of the Waitangi Tribunal. Those were landmark pieces of legislation for our country. At the time, the minister didn't even trust his own department, in terms of putting such a piece, such a cabinet paper together. So it was done by the minister and his private secretary who was a very young wahine at the time. I wanted to share that with you, because her late husband Tumanako, shared that with me, that story, and it was a real mahi wairua for them to go through those dynamics. I don't think they could get away with it today.

To be able to put forward the work that goes on, to be able to sign off the policy through cabinet and to actually enact that legislation, it's ushered in so much for our people over the past 40, nearly 50 years, when I think of tribunal extension of its jurisdiction back in '84, the ushering in of modern Treaty settlements, and all of the settlements that have taken place. Also having a forum for us to air grievances around trade. So, all of those have taken place as a result of an amazing public official, who always stayed out of the spotlight. But I thought it's very appropriate, as we mourn her passing, that we recognise the work of people like Whetu Wereta, and all the other amazing officials, but also te iwi Māori katoa, who have been moving the dial forward for our people.

I want to acknowledge our engagement partners here as well. The work that we are doing as government in the trade space with Ngā Toki Whakarururanga, Te Taumata, Iwi chairs, and the Federation of Māori Authorities and all those groups, it's all about ensuring that we are living up to our responsibilities as a good Treaty partner, but also ensuring that the benefits from trade are flowing through. The good news is that it is. We've done the economic analysis on the CPTPP, and I know intuitively it makes sense, but it's nice to actually have the economic studies that have been done, which basically say that Māori do well, that the exporting firms that trade with the CPTPP countries are actually doing well. One in three Māori are employed in export related firms. That compares to one and four of the general population. We also earn more, our whānau derive a better standard of living through the firms that they work for, that ultimately, trade and benefit from these agreements. So these agreements are good for Māori. They are good for our households. That's evidenced by the economic work that has been done. That's a great achievement that we can really hang our hat on.

I also want to say that it doesn't just stop at the primary industries as well. Of course, that's where a lot of our Māori asset base is concentrated, and we know the studies that have been done around a \$70 billion Māori economy and all of those great interests that we have, but I was really so proud and so amazed to attend the Hi-Tech Awards last week, and to see our Māori firms actually winning. Not only dominating, but they were winning categories at the Hi-Tech awards and doing so well. They're internationalising, they are global. These are Māori firms that were started here, private whānau have the

genesis, or their beginnings here. Now they're extending all over the world, all cultures, and that was a real eye opener for me to see that. In particular, shout out to AskNicely, which is the Hi-Tech Māori Company of the Year. Also, it was wonderful to see another category winner at those Hi-Tech awards, was led in part of that wonderful company called Tend Health was our whanaunga Dr Mataroria Lyndon, from up Ngāti Hine way, another winner of a category within those Hi-Tech awards. That's where we ultimately want to be heading, up the value chain into these high tech industries, and our Māori whānau are doing it. That's really encouraging to see that we are participating right across the export spectrum.

I've talked about the trade benefits for Māori. We all know that there is going to be the CPTPP commission meeting next month. It is a big deal, as I've mentioned, for Aotearoa to be hosting these ministers. I think it's the biggest ministerial meeting that we have had in over 10 years, here in Aotearoa. For us, we're very proud of the fact that we can precede the commission meeting by ensuring that we are reaching out, and that we are also engaging. We're not always going to agree on every issue in terms of how we are approaching as the Kāwana in matters of trade, but I think we are definitely e ngākau nui. We are definitely genuine in the way that we are wanting to ensure that our whānau, our hapū, our iwi, our Māori people all across the motu are really benefiting from trade, as outlined by Minister Mahuta.

I must also acknowledge Minister O'Connor, as well, because all of this ties into the commission meeting. You would have heard recently, we have the UK free trade agreement and that is a landmark agreement—the first one under our Trade For All Agenda. I want to acknowledge the specific provisions under our inclusive trade and sustainability provisions that we've put into that trade agreement, including our Māori economic chapter. Also, there was recognition for Ngāti Toa and the attribution of the Ka Mate haka, and the shout out to Te Waiora o Te Whare Wānanga o Waikato for the incredible performance.

So, those are real milestones again, and I want to just acknowledge, she's like Whetu Wereta: Chrissy Grace, who's another government official, who works within Te Manatū Aorere. She wrote the speech for me, which I'm not actually reading off, but I want to acknowledge her because she is another one of these very humble public servants. There are many of them who do wonderful work for our people and for Aotearoa. Chrissy was part of a team, and it is a wonderful team. You would have met my whanaunga, Tāne, and also the team at Te Puni Kokiri.

It's one thing to have this whakaaro about how do we advance Māori interests and how can we, how can we really give that expression within trade agreements? It's another step altogether, to actually put it out there within the trade negotiations with the other parties, and to actually present that whakaaro and to work with it from there to actually get them to agree and then to ultimately have that agreed to and put into the final agreement. Chrissy was one of the amazing team of officials, and Tāne was another and Greg, our Manatū Aorere trade policy director that work very hard but are actually making great strides with these trade agreements. Of course, we've got the EU FTA,

which there'll be some very good news coming through on that final ratification shortly, but a great expansion of our opportunities for Aotearoa. Because these are just opening the doors for our firms to be able to go into these markets and to be able to benefit from goods access. But also, we want to be sure that the people, or the economies and countries, that we're dealing with, we actually have some common values, and we share some common things. That's what our trade agreements now are putting in place through our inclusive trade and sustainable provisions as well. So, we're hitting things not only at a Māori level, but the environment, labour standards, wāhine, right across the board.

I'm very proud to be the Minister of State for trade and export growth. If you're wondering what that is, it is actually a term that is used for basically the associate minister for Trade to support when we're dealing in international trade agreements. I'm responsible for the upgrade of our AANZFTA agreement, the ASEAN, Australia, New Zealand Free Trade Agreement, which was one of our first, which we started off through Singapore.

I want to also just talk about the CPTPP as an open plurilateral mega trade agreement, and we're also doing many others—we've heard about the ITAG and the DEPA, and many others—and that's an important way and Aotearoa are leading the way in terms of putting coalitions of common, like-minded parties partners together, whether it's in South America, North America, Asia. We might be a little country back and down in the South Pacific, but we definitely do punch above our weight in terms of being forward thinking and being able to pull like-minded partners together to be able to deal with the big mass of markets and other big interests to ensure that we are represented and we do get a good outcome for our New Zealand firms.

The work is just continuing, because we are also doing it in the Indigenous space with the IPETCA agreement, the Indigenous Peoples Cooperation Arrangement. This is building the platform for the future, for our people to be able to use these as a springboard for commerce and for trade with our Indigenous whanaunga right across the world. I want to acknowledge Pita Tipene and Traci Houpapa and others who are also involved in many other groups that have been putting the infrastructure together for agreements like the IPECTA. We've sown the seed now and it's starting to grow and I'm really looking forward to seeing how that one evolves, and how we are able to do more inclusive trade, with our Indigenous whanaunga all over the world.

So once again, just to conclude, I want to acknowledge you all, and thank you all for coming. I know it's been a long day. But I'm really proud to be here on behalf of the government, to tautoko the work of the CPTPP and what it's delivering. My late Uncle Kukupa used to like to have the kōrero about the tapestry of understanding, and how it's all the working together, and the weaving of the beautiful tapestry that's created. But there are also lessons learned through the drop stitch or if there are little imperfections there are lessons in those also. I think that's the beautiful tapestry that we are trying to make for our people in terms of extending the benefits of trade, of free trade, for Aotearoa, and for te iwi Māori right across the world. I'm sure as we progress we'll be

able to correct a stitch here or there and it will be even more beautiful. But thank you all for your attention this evening. Kia piki te ora, te kaha, te māramatanga, ki runga i a tātou katoa, nō reira tēnā koutou tēnā koutou, tēnā tatou katoa.



Image from Te Kāhui a Kiwa,
conference, day one.



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Indigenous perspectives on the CPTPP review

Moderator: Pahia Turia, Master of Ceremony

Speakers: Chris Insley, Chair, Te Taumata

Maui Solomon, Lawyer, Ngā Toki Whakarururanga

Ngahiwi Tomoana, Chair, Te Hurumanu

Pahia Turia

Thank you all for your perseverance and being here for this last leg of the journey for day one. I really want to acknowledge you; it's been a long day. But look, our kaupapa here for this fourth panel of the day is looking at Indigenous perspectives on the CPTPP review. This panel discussion really is to explore what Māori, I mean Indigenous entities, engaged in the trade space are up to. I'm going to hand it over to the panellists and give them the opportunity to introduce themselves and what capacity they have come here in, and then we'll get into the formal part of the questioning.

Ngahiwi Tomoana

Kia ora tātou, I never thought I'd be in a lecture theatre this time of the night. Mihi ki a koutou mō ou koutou manawa nui nō te tī o te tā wīwī wāwā, tēnei te mihi ki a koutou. Tika tonu tautoko te mihi o Rino ki te Ahurewa tapu o te Kingitanga Potatau Te Wherowhero, Tawhio, Mahuta, Rata, Koroki, Te Atairangikaahu, Tuheitia tēnei te mihi ki te hau kainga mai te hau kainga o Mahinarangi o Ngāti Kahungunu tēnei te mīharo kia noho mai ki Maungatautari.

Look, I shouldn't be here. I left school in the 5th form. I went to the freezing works. From the freezing works, I went to the orchards and then shearing contractor, forestry contractor, fencing



Image from Te Kāhui a Kiwa, conference, day one.

contractor, apple picker of renown. One of my best jobs was lamb tailing. Cutting lamb tails off and giving them to the whānau.

But my passion is about whakapapa. So, I follow the whakapapa. When I was growing up, all you hear on the marae is whakapapa and connection. When you're around the hangi pit you hear about whakapapa at a local level. When you're hanging around the



Image from Te Kāhui a Kiwa, conference, day one.

paepae you hear whakapapa at national level. So, I wanted to explore this connection of whakapapa. People would yell at each other on the paepae, they would yell at each other at the hangi pit, but at the end of the day they all got on. And when we look beyond Aotearoa because I brought up at a marae called Waipatu and even though we were only 2km from the centre of Hastings, I was brought up in a total Māori environment. The only pākehā I saw was the doctor, the nurse, and the Sunday school teacher. So, very much Māori, and I wanted to know how our parents and our uncles— without any vehicles or anything— how they knew every Māori in the country. Our local hapū was Hawea, and so this is where it all begins and ends. No, no. We're part of Whatuapiti from Whaingaroa to Te Whakatau. Oh, suddenly we own half of Hawke's Bay. No, no, we're part of Kahungunu, it goes from Wairoa to Wairarapa, here we have own half of the East Coast. Now we're part of Tākitimu, it goes from Ngāti Kahungunu, Tauranga right down east coast, all of the South Island. Now we own half New Zealand. There we go to Rarotonga. They say no, we're Tākitimu, and you come from Tahiti, Samoa, Hawaii, Fiji and Tonga. So now I own half the southern hemisphere. So, I was wondering how this whakapapa connection worked.

Maui Solomon

Now I know why you're such a regular visitor to Rēkohu now?

Ngahiwi Tomoana

How did this connection work? Then you go further back when you're in Fiji and they say no, no, no, you're from Vanuatu. Vanuatu, if you transliterate that to Māori, it's whenua tū. It's like a mountain, whenua tū. Then the Vanuatu say, no, you're from the Solomons, and they say no, you're from Papua. So, you follow your way all the way back, they say we're part of Austronesia. Where does Austronesia start?

Well, it starts in China, Taiwan, and it comes down Vietnam. We have names for these places all the time. So, we're Austronesian, we went into Melanesia and Indonesia, some of us went through Micronesia, and we ended up in Polynesia, and sometimes we get amnesia about where we come from. We said we just appeared in Aotearoa out of the sky from the gods! Then you trace it back, and he said, 'Why did they come all this way, 5000, 7000 years ago, and we still know each other?' and it came back because we were trading, from island to island. We transformed landscapes. We transformed flora and fauna. We transformed people. We moved people from island to island to island to island. So, trade at that time, was an inherent part of our culture.

That's what I'm doing in this space, following the whakapapa, wanting to reintroduce those ancient trade routes back into the Pacific, back through Asia. Kaye-Maree and a few of us were in Dubai last year. and the Arabs, especially the Egyptians, have a memory of Maui, and Maui left the hongi up there. So, we have all these ancient trade routes. Today, we heard about incremental development. We've been developing for 5-7000 years, and we've got to keep that development going. We've got to recapture our mojo in that trade space because our people didn't come sailing down here because they like to karakia to Tangaroa or Tāwhirimātea. They were trading too. We've got to recapture that mojo and our tikanga. It's not foreign. We're trading from Madagascar to Malibu, from Egypt to Eketahuna all that time ago. We've got to recreate our own space in that trade space, and not rely on government, and governments, and FTAs to do it for us. We have the soft power called whakapapa, and connection, that we just need to reignite, and we've created our own trading nation, our own trading opportunities. Tēnā tātou.

Pahia Turia

Ladies and Gentlemen, Ngahiwi Tomoana, the prince of Kahungunu. I got a little bit worried there as he was going around, you know, and then we went there and we claimed there, and I thought to myself, at least he stayed away from the west coast on my side of the island, but he certainly claimed Ngāti Porou. I'm going to go over there to the other end of our panellists there.

Pahia Turia

Chris, just introduce yourself.

Chris Insley

Kati rā, kia ora anō tātou. Ko wai tēnei i haere mai i te tu ki te kōrerorero ki a koutou. Tēnei hoki noa o ngā iwi o Te Waiāriki mai Te Tairāwhiti me te Whānau a Apanui, tuatahi huri noa ki tēnā taha o te Raukumara ki Hikurangi ki tēnei taha o Te Whakatōhea. Like Ngahiwi, what I do in my day job is I represent. I'm a chair of four of our Māori land trusts. On the coast, I run a number of Māori businesses. I am the Chair, proudly, of Te

Kotahi Māori Research Institute here at the University of Waikato. I am also the chair of Te Taumata that leads Māori interests into all of the free trade negotiations between New Zealand and the rest of the world. I might just leave it at that and come back to the primary question after this.

Pahia Turia

Ka pai.

Maui Solomon

Kia ora, I introduced myself earlier today but ko Auraki Mauka, ko Rēkohu te motu, ko Moriori me Ngāi Tahu ōku iwi. Ko Maui Solomon ahau. I feel like a little bit of an imposter here this evening because it was supposed to be Pita Tipene here among this illustrious company. I want to acknowledge and greet my whanauka there Rino, tēnā koe. I first met Rino when he was only a little fella. This was at the opening, the unveiling, of my grandfather's statue, Tame Horomona Rehia, Tommy Solomon, the last known Moriori of full blood. Rino's dad, also Rino, was the Ratana minister, and there's this young little whippersnapper was carting luggage from one place to another at Te One School. Now look at him! Standing up there expounding about the free trade agreement. So anyway, greetings Rino.

Just a little bit about my background in trade. It started when I was just a young whippersnapper myself, in Temuka where I grew up, and I was prising lead off the top of nails and melting that down and selling it to the local scrap yard to make some pocket money because there was no such thing as us getting pocket money in those days. I'm one of 15 kids. Also raiding the neighbour's walnut tree and cracking the walnuts and drying them and selling them to the local Chinese shop uptown. So, I learned about the art of negotiation and trading at a fairly young age. Then I did a law degree at Canterbury University, and then I ended up trading my legal skills, my legal services. Then I went to Rēkohu in 2010, and I was CEO of our tribal trust, I learned about establishing businesses, and fishing, and tourism, and farming and those sorts of things.

Now, in my early 60s I'm now involved in regenerative farming of sheep and cattle. Also, my wife and I have set up a nursery and growing and planting. We have 150,000 endemic native trees from Rēkohu to plant over the next three or four years. This last phase of my career is probably the most rewarding because you're giving back to Papatūānuku. Regenerative farming is about, you can still use the land to generate income, and you can trade your produce, but think about the soil. Think about those trillions and billions of microorganisms in the soil. Don't pump on fertiliser, don't pump on chemicals. It can self-regenerate. So, you don't graze it within an inch of its life, you graze it till about that much, because the more grass you got on, the more grass, you're going to grow. If grass is that high above, the roots will be that deep below.

So, these are all the things we have got to think about. It's not just about business as usual, if it was business as usual it's a waste of time. We're all going to go off that cliff. This is where Māori and Indigenous people are paradigm shifters. We need to shift the paradigm because it can't be profit at all costs. Papatūānuku and people come before profit.

Pahia Turia

Ngahiwi. As a young whippersnapper a few years ago, I came into the national iwi chairs forum full of enthusiasm and you had led a number of international trade delegations exploring options and opportunities for our people overseas. Iwi chairs forum has been working on ensuring that iwi rights, and interests, and voices are heard on a whole range of policy issues. Can you share with us an iwi perspective on trade in free trade agreements like the CPTPP?

Ngahiwi Tomoana

So, first trip overseas you see the pictures of our people before that, and there's Hiwi and Pat Taylor, there's Paki Harrison, there's Archie Taiaroa, there's Koro Wetere their photos all around the world. There is Tuihana Mohi in Hong Kong. I said gee, these people were trendsetters. When you think back, the Māori Battalion shook the battlefields of the world. The Māori sports teams shook the sports field of the world. The Māori exhibition shook the cultural fields of the world. So why can't we shake the commercial fields of the world? But not commercial in the sense that we do business as a country, but in a sense, we use our culture, and our connection, and our whakapapa to introduce ourselves to other countries as a nation of people on our cultural backdrop. We might do commercial, but we also do it as a community, all our kaupapa services. And how's your climate? How is the climate affecting you? So, sharing with other nations sort of took it by surprise. Here we are on a trade mission. We're talking environment. We're talking culture. We're talking kura kaupapa and hauora and we're talking commerce. That sort of shook the people we're talking to. 'Gee, this is a different proposition. We're not used to talking businesses, but it culminated in 2020 in Dubai where the Emirates saw us as fellow tribesmen and invited us, and 16 other Indigenous nations to present at the Global Economic Expo.

Usually, Indigenous come and do the haka, and karakia at the start, bang the drums in the middle, and do the karakia at the end. This time we participated fully, and in all the economic discussion. Then the international events committee said, 'we'll never have a Global Economic Expo again, without Indigenous people'. So, although we're small, although we're struggling, although we are fighting every inch of the way, we're still leaders in the international seat, with other Indigenous. Other Indigenous have answers to environmental issues. We're the best in cultural renaissance and other things. So, bringing all the Indigenous together, we can share with the Western world, we can share with the commercial world, the values that we hold dear. We can help the environment, we can help communities, we can help commerce, and then we can help culture. So, that

has a resonance in China and America, right throughout the Pacific, up in North Africa, through the Middle East, and so on and so forth. To me, it's just a natural extension of our whakawhanaungatanga and trade is just a part of it. The other thing though is we need regulators, our own regulators to nail it down. So, once we cut that inch, there's no reverse gear, cut another inch, there's no reverse gear. The discussions we had this morning, or today, were fantastic in that resolve.

Pahia Turia

Chris, Te Taumata has been at the forefront of Māori trade policy over recent years, and you've really invested significantly into engaging with our Māori communities, etc. What are the aspirations around trade in Māori communities that you've been engaging with?

Chris Insley

So, I rang Jason yesterday, and I said, 'What do you want us to talk about?' and he said, 'This thing up here, advancing Indigenous self-determination, wellbeing through trade, and can the CPTPP help?'. So really, I want to use that as a bit of a foundation to answer that question, and what I want to do to answer that question, I want to sort of take a bit of a walk back through my upbringing, to the time that I grew up. I was raised by my koroua and kuia, on the coast. Because these are the things that shaped the way that I think about these issues, I want to come back and answer that question about CPTPP, which I think is the wrong question, frankly, too. Then I want to come back to your point about what Te Taumata has been doing recently, and then I want to project that forward in terms of what I think the future might look like. I do want to acknowledge your e te hoa rangatira Rino mō tōu nei kaha mō tātou, and you, Mr. Andrews, that are sitting there quietly, for all of the work that you fellas have done.

So, let me go back to that point. What are the things that shaped the way that I think about this issue and therefore lead on to what I think the CPTPP issues are or not? So, I was raised by my koroua and kuia, in a little place called Ōmaio in Te Whānau a Apanui. The only language that was spoken at that time when I was growing up was te reo Māori. Nobody else spoke anything else. We never had to go to school and learn te reo Māori. When we grew up on those lands, the key features about that period of time was there was no crime. There was no drug and alcohol abuse. There was nothing of those things, they weren't there. The other feature of that time was everybody was working. Everybody was working on these farms. So, we grew up working hard every morning, we'd get up and we'd go milk the cows, or we'd go out and be chasing the sheep around or shearing the sheep. We're making hay with all of the other whānau that were all working alongside us collectively. So, there was this ethic amongst us as Māori, tūturu Māori, only speaking te reo Māori. But we worked hard. From an early very early age, I knew, we all knew. So, what were we producing? Wool, meat, butter. I knew from a very early age, where do you think that we were selling that produce to when I was growing up as a kid on the coast? Somebody tell me: Where do you think we were growing that? What were we doing with that that was enlivening and enriching our

whānau? Somebody tell me. Back then, what were we doing with it? It wasn't just going down the road. Where was it going? We knew from a very, very early age, that we were exporting all of that product. We were pooling all of that butter, and it went to a cooperatively owned dairy produce processing factory that we all own. We processed it into added value products in those very early ages.

So, I grew up with this ethic of hard work. I grew up as a tūturu Māori, the only language we spoke was te reo Māori. Whenever there was a tangi on marae, the tractors were used to all come in. Someone would donate a cow, someone would bring a pig, someone would bring some mutton, other farmer would take off down to the sea and they go diving in, they come back with all these mussels and kina and everything. It was just all pooled. My point is, they were coming off the industry of whānau, doing all of this work and reinvesting all of that wealth back into our communities.

You look at that same place today. What are the features of Māori communities today? High unemployment. Drug and alcohol abuse. P and meth. All of those bad things are there, and you have to ask yourself: What the hell happened in that intervening period? What happened? Why did we go from full employment, a really rich culture, to unemployment, impoverished? I know that this is resonating with everybody, because it's a fact. What happened? Somebody already answered the question. Our trade channels changed. In their wisdom, the British decided in the 1970s: 'oh, we're going to cut the ties to New Zealand, and we're going to go and source all of that stuff from Europe'. It took about 20 years for all of that stuff to collapse. This is why I make the point that I knew from a very early age, as a Māori, growing up in a Māori community, that trade matters. It really, really enriched our lives, and without that trade, you look at our whānau communities today, you know this stuff. You've been with us in Opotiki. That's why we're doing the things in Opotiki, to try to create industry, that we trade. I'm making this point about the role of trade. So, Pahia, you asked a question about Te Taumata. When we were formed. We went around the country, we talked all about it, we asked them a simple question. Is trade important or not? Universally what they said to us: trade matters. They said, because it creates jobs for our people, one in four jobs in New Zealand is directly derived from international trade. So, they then said to us, you fellas go down to Wellington. They also gave us a directive. Carrie was on our board. She knows this. This is the way I've driven Te Taumata. They said to us in no uncertain terms—you know, our people tell you when you go home at the marae, they speak frankly— they said to us: 'don't muck around'. 'Go down there and you fellas make a difference for us. First hui that we had was with Nanaia. So, what I said to Nanaia was: 'Minister, we're not going to waste our time coming down here and sitting in these sterile rooms with all of your officials having all of this debate, theoretical debate about things. No. We're going to change the game'. This was Nanaia's first test, and she passed it. Because I slid across the table to her and Vangelis a list of dates for meetings in the first year, four meetings with the Crown across the country. I said: 'We're not wasting our time coming down here, you come and talk chief to chief with our people'. Ministers, trade negotiators. All of you guys, you fellas came. Prior to that, none of our Māori people used to turn up at those consultations. None of them. This was a 'go around the

country and roll out all these things’, nobody turned up. But I knew deep down inside, from the way I grew up, trade matters. It wasn’t that they weren’t interested, why they didn’t turn up. They didn’t like the government’s process. They wanted the government to come out face to face.

First hui that we had in Rotorua, Nanaia attended the hui with a few other ministers and Vangelis, all came to that hui. 80 of our leaders of Māori industry in the central North Island turned up. The real heavy hitters. The ones that control that those Māori balance sheets all turned up and had active discussion with those trade ministers. We went to Gisborne. 150 of our people turned up. The big farmers, forestry, fishing, everyone. Even Meng Foon. He was the mayor at the time. They all came along, 150. We then went down to the South Island to Wakatū. There were 300 of our people turned up that hui. We had to start rationing spaces for ministers. Too many ministers want to come to the hui. There all of our people were turning out in droves. We then went to the hard place to go. We went to Ngāpuhi. Great hui. All the heavy hitters of Ngāpuhi were there, Dover Samuels, Shane Jones, all there. Great hui.

My point is this: by changing the model, the way that the government engages with our people, our people turn out in droves. Our people turned out in droves. So where are we today? We’ve got these free trade agreements now in place, and we’ve heard about all of the things that they can deliver for our people. Think back to what I said when I started. We lived rich lives as Māori when we grew up, and because we were all working, because we were trading as a nation with Britain. Now we’ve got all these other free trade agreements that are starting to unfold, and our people are engaging continuously in that space. We’ve just lived and breathed what our people said: ‘Get down there, don’t muck around, and don’t muck it up, and be very forceful’. We keep going back to them and talking about everything that’s happening.

Here’s my view, about tino rangatiratanga, about self-determination. When I grew up as a kid, that was tino rangatiratanga. We were living it. We were running our own lives, our culture, our reo was rich. It was because we were trading. I would like to invite anybody to come back to my community now. You come and meet my whānau, the ones that are living pōhara. Because I know there’s a direct link between poverty, and all of those bad things about us as Māori, and trade. So, I’m here to strongly say, if we want to talk about tino rangatiratanga, get trade working, but get trade working on Māori terms. I’ve heard this view being expressed by different people in this forum, do it in our own Māori way. I listened to Ngahiwi, and Ngahiwi is right. If we get it working on our terms and we’re going to take these products, our best Māori products, around the world, but we do it in a tūturu Māori way. There is premium value in that, in my view where the consumers of the world will recognise that value and they will stump up and pay a premium.

My point is, so trade matters. That’s what our people told us: ‘Go out there and do it in our way. Do not let the government force feed us on a diet of how they think it should be. Be prepared to stand up and say kao tātari tātou let’s have a discussion.’ like we did. Rino has been to those meetings; he’s seen our people turn out. He’s seen our people, the hopes and everything. That’s my view on that question that you asked me to address

around those issues, around tino rangatiratanga. Get trade working but get trade working on Māori terms. Koinei aku whakaaro ki a tatou, kia ora anō tātou.

Pahia Turia

Maui, what has been your experience with Indigenous trade? And what's the biggest lesson and insight that you can share with us about that?

Maui Solomon

I'm just picking up on what Chris said, you know, trade but on Māori terms. I don't think anyone in this room would disagree with it. I think that's ultimately what we want to be doing, but trade should not be that the end in itself. That I suppose as is the perspective of Ngā Toki Whakarururanga and Māori and Polynesians and Indigenous Peoples been trading for millennia. I just want to say one thing, it just doesn't happen overnight that suddenly the crown is engaging. It didn't happen overnight on the land stuff. It didn't happen on fisheries. That happened because Māori went to the courts. They went to the Waitangi Tribunal. Then they went to the court, and they got injunctions, and they forced the crown to the table. Let's not be mistaken about what's happened here. We're sitting here, because a group of claimants had the kaha to go to the tribunal in 2015, to protest against the TPPA. Then that led to a mediation that led to an MOU. That has ultimately led to Māori having this engagement, having this hui, here today. In fact, when Tane was asked the question: 'What's different about the last couple of years?' He said: 'This hui'. But this hui we wouldn't have happened without that fame in 2015. I think one of the most important things we can do, not just as Māori, but as Indigenous people, is an Indigenous-to-Indigenous trade. I really believe that. Because we share a same philosophical outlook, the same set of values. Trade is a part of it, but it's probably down the line. It's important, but it's not the most important thing. I use the analogy of waka all sailing in the same direction. I think that's appropriate to repeat it again, because whether you're Te Taumata or whether you're Ngā Toki Whakarururanga, FOMA, Iwi Chairs, whoever you might be, we're all sailing that waka in the same direction. We might have different destinations. Some might be short term destinations; some might be medium term. Ngā Toki Whakarururanga is over the horizon. That's where we're heading. That's where our ancestors headed for when they left Polynesia to come here. So, we need to be inspired by that and not be afraid to challenge the status quo.

Pahia Turia

So, let's say, we're talking about lessons learned, what lessons do you think the Crown could then learn from this experience?

Maui Solomon

The thing is, the Kāwana is stuck in their paradigm. That's a paradigm that's been imposed from Britain, on Aotearoa New Zealand. Until actually, the treaty is fully honoured, there won't be another paradigm. We will always be playing the game, according to a set of colonial rules that have been imposed from the outside. Now, that would be the current day reality. But unless we are prepared to challenge it—and we have been challenging it, we've been challenging it for decades, since the Māori Land March in 1974—but we still need to keep engaging with the Crown, and we are, and that's a positive thing.

I just want to acknowledge my mates from MFAT and the other people out there. I think we are building really positive relationships, constructive relationships. It's actually through having these sorts of face-to-face, kanohi ki te kanohi discussions, I think we can continue to advance the agenda. I also just want to acknowledge that the Crown, they have constraints too. Because the people they're talking to on the other side, and other countries, they're going 'Nah, we don't want anything to do with that'. We get that. But what we say to the Crown is, what's in the best interests of Māori is in the best interest of Aotearoa New Zealand. That's why there needs to be an independent Māori voice at that table and not filtered through the Crown processes. That would be a step towards tino rangatiratanga.

Pahia Turia

I'm going to probe this and I'm going to see what Ngahiwi's opinion is on this: the phrase was coined, 'if it's good for Māori, it's good for New Zealand'. Now, the problem that I have with that is that if it's good for Māori, it's good for Māori. If it happens to be good for New Zealand, that should be a bonus that shouldn't be a prerequisite for stuff happening. Any thoughts on that? Does it have to be good for the whole of New Zealand for our government to want to do it for Māori?

Ngahiwi Tomoana

What's good for the Māori is good for the country. What's good for Māori is good for Māori. What's good for Māori is good for the Pacific. What's good for Māori is good for all Indigenous, because we got trendsetters in here. We've got leaders, and we got people who have had their heads broken, fighting the good fight. Now I've got a few heroes in here tonight, Jane Kelsey, Moana, and Annette, who was here earlier. They have fought the hard battles that we just always glaze over when it comes to that sort of stuff. People like them have made the effort. What it has achieved is that the Treaty of Waitangi is not a handbrake anymore. It's an enabler. It's a koha, that people in this room, and others, have given to the Indigenous world, and given to the Western world, to use as a tool to work with the Indigenous. Because apart from several tribe-to-Crown or tribe-to-government treaties around the world, the Treaty of Waitangi, that gets exactly extracted at the right moment, by the right people, has become an enabler for other countries to deal with their Indigenous.

So, what's good for Māori, is the truck and trailer. We pull everyone behind us, and I'm not being whakahīhi about it. We've seen that, again, on the battlefields, on the culture fields, and the sporting fields, and now we'll see it in the commercial fields. But it's not just restricted to commercial, because it covers all these others.

Now, the project that Carrie and I are sort of driving at the moment, is Aratini, there are many ways to get to there, Te Tini o ngā Ara, kia tūtuki pai te kaupapa. What we've got to not do is trip over each other, or leg trip each other, or hamstring each other to get there, but everybody has a place in that journey onward, from which we have no reverse gear. So, with the CPTPP, A, B, C, D, E—because that's what it will end up—we play a pivotal role, not just in helping Māori or New Zealand, but in helping other countries understand their Indigenous better through culture, through climate, through community, and through commerce. The treaty is an enabler, and the koha in that realm.

Pahia Turia

One last question. I want all of you to give a response to it. IAs a result of our hui over the next couple of days, what would you hope would be a realisable benefit for our mokopuna as a result of what we're doing here? Over the next couple of days? Chris?

Chris Insley

Just a couple of key points, if I can come back to that. Just on the question of what's good for Māori is good for New Zealand, I strongly subscribe to that. We have got to be careful that we're not just chasing the Western capitalist view of 'what's good for' and using that as the benchmark as what's good for Māori? No. What's good for Māori is the things that I started off talking about, we grow our people, we grow our reo, we grow our culture, we look after the environment, and we make money. So, what's good for Māori are all of those things, rather than us get forced into promoting, like the free trade agreements have been the measure of success of free trade agreements previously, as being GDP, economics', well, that's not good for Māori, on its own. You've got to measure all of these other things. The work that we did together with you guys (MFAT) on the UK FTA, if you go and critically look at all the chapters of those agreements, and the EU one, you can break it down into: there's environmental issues, there are cultural issues, there are social issues like gender, and wāhine all of those things. So, they're a type of agreement that is much more encompassing, that is good for Māori, as long as you tick all those boxes. Gone are the days of those old things. My view, Pahia, about what's good for Māori—as long as it does all of those things—is good for New Zealand. My view is that the world consumers are now looking for outcomes that tick all of those boxes that we as Māori have grown up with. We look after our people, we look after the environment, we look after our culture, and we tick off the economics. The world consumers are heading towards that direction is a point that I make.

One other point that I'd like to make is that as we've got all of these free trade

agreements now coming into play—we got the UK one, about a billion dollars’ worth of value, we got EU one that was getting signed off right now, about a billion dollars’ worth of value—those agreements have become a template for all of the other negotiations that are coming in front of us. So, we got embedded into those the Waitangi Tribunal. We’ve gotten their recognition of our reo and our language into those things. So now we’re actually rolling that template out. That’s certainly Te Taumata, and there’s no hidden agenda here. We’re very clear. That’s the model that we expect to see in every future agreement, that it’s got all of those things embodied. The only real trade agreement that New Zealand has right now is China, China, and China, until we get all of these other things in place. For me, the real game for Māori opened the doors to every market of the world, through these FTAs. Then it is our individual farmers, forestry, fishing, honey producers, et cetera, they then have choice. They’re not dependent on China. Because you know, what can happen; we have got all our eggs in one basket, or within that, with all of the different chapters in these free trade agreements, different members of our Māori community can pick and say: ‘I’m only interested in that chapter. I’m not interested in all of those other things. I’m only interested in that chapter’. My point is we give ourselves choice as Māori. Then we as Māori will elect, whether or not we want to exercise those options. Whereas if we don’t have those other options, we have got no choice. We’re stuck with one thing. So, to me, it’s open up all the doors to our Māori people and let them make their choice.

Pahia Turia

What’s the benefit of the next couple of days that we hope would be realised for our mokopuna?

Chris Insley

Look, I think like what Maui has just said, and Ngahiwi, I sat here this morning, and I listened to the discussion, and I listened to Annette. I was sitting up at the back of the room listening and then I said. I’m listening to them making all these different points, and I’m going ‘awesome Annette, completely agree with those points. I think, an awesome outcome from this next couple of days, is that we come to some kind of landing on the fundamental things that are important to us all. As Maui says, different ones of us might go off and promote those in different ways, but if we can land on some fundamental things, we’ve absolutely supported Ngā Toki, because of the Wai262. The Wai262 is us, all of us. So, we’ve always been very deliberate and careful never to go out there and cross paths, and say tautoko, kia kaha koutou.

So, an outcome for me is that we tried to consolidate the different things that we’re doing— we might have a short-term horizon or medium-term horizon or longer-term horizon—but we’re all heading in the same direction, because I hear that we all are. Maybe in different ways, different instruments or things. A good outcome is that we come to some kind of consensus on these things that we’re all trying to achieve together.

Pahia Turia

Ka pai, Maui.

Maui Solomon

What he said. I think we're all heading in the same direction, but we're approaching it from different perspectives. We've all got different destinations, if you will. But we need to have Kotahitanga. It's absolutely crucial. We can't be slagging off at one another, because it's nothing personal, but the Crown are experts at divide and rule. We cannot allow—and let's face it; we argue amongst ourselves all the time—the Crown to divide and rule. The kaupapa is too important. Things that Chris said, there are some fundamental core things we need to agree on and move that forward.

Pahia Turia

Ka pai. Ngahiwi?

Ngahiwi Tomoana

I have got a whole generation of kura kaupapa kids. Kohanga. Kura Kaupapa, Whare Kura, Wananga that are now proficient in te reo and tikanga, but they need experiential support. In this room, is the experiential support, so they don't have to refight the old fights, that they take templates from here, they take advice from here, and they move it on. They don't rehash it. They don't redebate it. They review it and then move forward. So that's what I like to see after here because we're in the university with fertile minds, with fertile grasp, and fertile views of the future.

The other thing though, last November, the Secretary General of the United Nations said that the world is riven by war, it's battered by climate, it's torn by hate and it's shamed by poverty, by inequality, and by slavery. Who can take us out of that world? We can. This way of doing it is the new way. There has to be a new way around capitalism. There has to be a new way of combining our efforts, our whakapapa, our tikanga, into showing a new way. That's probably what I'd like everybody to think about over the next two days. That we can lead. We are leaders, you are leaders, and we can work together to achieve it. Then we go to the Crown, and just like a lot of the phrases and strategies we've used in the past, Māori led, Crown enabled. Rather than the other way around. How does Māori fit into this box? Māori led, Crown enabled, and we got the leaders here.

Pahia Turia

Homai te pakipaki. A totara split into two is the food for the fire. I think we've got one common theme that's come out of our three panellists here and that is the importance

of us uniting, standing shoulder to shoulder and agreeing on what the fundamentals are, that we need to agree on so we can progress forward. I want to thank all three of you, I found that deeply insightful. It's great to see that there are some common threads that exist, amongst the different participants in the space are remembering that we're all on the same team here.

Before I close, so when Parata told me the story when the Te Māori exhibition was over in New York in 1985, they'd been talking about Aotearoa. This American reporter was interviewing Henare Tuwhangai, from here, Maniapoto, and he said 'Mr. Tuwhangai, I've heard the Indigenous people of New Zealand and the Māori people referring to New Zealand by another name they call it ao, ao, ao....', and he says 'Yes, we call it ours'. You know, when you sit there, and you look at just how sharp those people were? Yes, yes, we call it ours. That is a pipe dream because it's not ours, I don't want to get you all excited. What an awesome finish to the day. Again, thank you all for your participation. I'm here today. Tomorrow is where the rubber hits the road, and we go into workshops, and we start to actually drill down and identify what are the fundamental important things that we collectively agree on that we're going to be putting on the table for consideration.



Image from Te Kāhui a Kiwa, conference, day one.



Image from Te Kāhui a Kiwa,
conference, 2023

Day two

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Keynote Two

Speakers: Pahia Turia, Master of Ceremony

Vangelis Vitalis, Deputy Secretary, Trade and Economic, Ministry of Foreign Affairs and Trade

Vangelis Vitalis

As you'll have guessed from the name, I am of Greek origin. I came to New Zealand when I was 12. As it is for Māori, as it is for Greeks, whakapapa is really important. I come from a very small island in Greece called Serio's, famous because the big hero 1300 years BC was Perseus.

Some of you might know him through the abomination that's called [the] Percy Jackson movie series. Perseus is from our island, and Perseus is the one who killed the Gorgon Medusa the legend has it. Legend for non-Greeks but for us it's part of our history is the head of the Gorgon is buried near the whare karakia where my where my father was born.

We also trace our ancestry back, four Sarafians from our island died at the Battle of Marathon fighting the Persians, and we're also very proud of the fact that 50 sailors fought at the Battle of Salamis, that's 400 plus years BC.



Image from Te Kāhui a Kiwa, conference, day two.

Like all Greek New Zealanders, we also remember the Māori battalion. So, I said that we always honour and remember, and never forget, the sacrifice that the Māori battalion made, not just in Crete but in Greece, and for all of us. They're always in our minds, we never forget them. We never forget them. We honour them, we remember them. They're in our hearts.

I'm going to talk today about the CPTPP. I know you've had a full day already talking about this important agreement, and I know it's not without controversy.

What I want to do today is I want to talk in three parts. First of all, I want to talk a little bit about what the agreement does, and why I believe that the agreement is extremely important, including for Māori. I'm going to talk a little bit about why trade matters, and then some specific examples of how CPTPP is delivering for the Māori economy and then for New Zealand more generally. The second thing I want to do is I want to talk about what we're looking to change in the agreement, the things that we're focused on, including this year when we have the privilege of chairing the meetings and the things

that we're looking to progress. I also want to talk about some of the things that we have changed. I want to talk specifically about the way in which we assess trade agreements. There is today, or it may even have been put up yesterday, a new working paper on an assessment of the CPTPP according to a new way of undertaking that assessment. I want to talk a little bit about that. I also want to talk briefly about what we have done and how we are changing as an organisation. I won't say changed, I'll say changing, because it is an evolving process in my organisation and my group and it's good to see lots of my staff here today as well. Those are three areas I want to cover.



Image from Te Kāhui a Kiwa, conference, day two.

Trade matters enormously to our economy, one in four jobs depends on exports, depends on markets being open to New Zealand export companies. Really important too to remember, it's a big driver of wages, you can see the data there on the screen, you earn 12% more if you're Māori and you work for an export focus firm than if you're in a domestically focused firm. The revenues that you get are higher than most other companies, whether you're Pasifika, ethnic. You'll also see that a very significant number of Māori actually employed in firms that export to CPTPP economies. We also know that productivity is driven by trade, so up to 36% more productive if you work in an export-focused company then if you worked in one that is domestically focused.

It's also really important to remember that the Māori economy with its concentration, not only but significant amounts, in fish quota, in agricultural products faces the highest barriers internationally. We often say that New Zealand faces the highest barriers, and

this week I've been talking to the dairy industry and other parts of agriculture like the beef industry, and the very high barriers that they face internationally, but the Māori economy faces the highest barriers internationally. The work that we do to break down those barriers internationally to make sure that you can compete on a level playing field is the way in which we can drive growth, employment, and incomes back home.

I've chosen this example because Japan is the most important market for us in CPTPP at the moment, certainly the most important market for the Māori economy, there is significant benefits as a result of the agreement in particular, because Japan uses extremely high tariffs as barriers to access.

To give you a very practical example, that first one's always my favourite: kiwifruit. There is a heavy concentration of Māori owned orchards that use Zespri to ship internationally. Japan is our third most important export market for kiwifruit. The tariff in Japan is 6.4%. That means that for every \$100 of kiwifruit that we send to Japan, \$6.40 gets taken away as a tax. So, we lose \$6.40 out of every \$100. Our main competitor in the Japanese market is Chile. Chile has a free trade agreement with Japan. They had a free trade agreement for nearly seven years before CPTPP came into force. That meant for every \$100 we sent, we lost \$6.40, and the Chileans were tax free, no tariff applied to them, they were able to compete, paying a zero tariff, we were paying the \$6.40. That's a cost to the bottom line. It affects the incomes that you can pay back home, the wages, it affects employment, and the fact that we've been able to eliminate that, in fact, able to eliminate immediately in the agreement is a significant benefit, again, of CPTPP, just in terms of the economics of that agreement. You'll see there are other examples there on Slide 3 of the presentation. One of the lovely things about Japan is it has such high tariffs, there are some very striking numbers that you can use, for example, the honey tariff. Again, really important to remember, we were paying the 25%. \$25 out of every \$100. If you take the honey example, our competitors, were in there tariff free. So again, that level that playing field is not level, and what CPTPP has done has made it more level for New Zealand exporters into the market.

Just to make those examples even more real, the onions industry calculated that as a consequence of the access that we got into Japan— and remember the tariff on onions was only 4%— it meant an extra \$28,000 a year per onion grower.

For buttercup squash growers, there were 30 of them exporting to Japan, the Horticulture New Zealand Association estimated that they would be getting an extra \$54,000 per year as a consequence of the tariff savings there. The tariff, by the way, on buttercup squash in Japan is actually very low, it's 3%, but those 30 growers benefited from that. So, there's people that are getting real money—\$54,000 a year— that goes into income and employment back home.

This is a very important bar chart for us on Slide 4. And I know the authors in the audience today, Megan. Thank you. What this shows is what we're trying to do with our trade strategy, but in particular, how important CPTPP is to help us manage the big emerging challenge we have which is around diversification.

New Zealanders are used to managing diversification and trying to find ways away from dependence on particular markets—in the 1970s that was the United Kingdom—and today, something like 22%—23% of all of our exports go to China. So, it makes good sense to be thinking about how you de-risk, which is the phrase people use today about the relationship. The observation that I would make though is that the Māori economy is even more heavily concentrated on the Chinese market. And there are risks. Just ask Australian wine producers. Just ask Australian barley producers or coal producers who had their trade stopped overnight, because of a political dispute between Australia and China.

So, it is really important that we manage this risk and what you'll see here on Slide 4, you'll see that the blue bar here on the left is the China and Hong Kong, those two free trade agreements we have there. So, an international treaty. Then we have CPTPP, where we are actually exporting more than we are exporting to China, this is an aggregate. If you add the British in, that figure rises even higher to 28.5%. If you add in the ASEAN, Australia, New Zealand Free Trade Agreement, the story there is essentially Indonesia, you can see how we're looking to build strategic trade depth, but also help companies diversify, create new opportunities and build so that we're not solely dependent. So, we have a genuinely China plus strategy. It's not about getting out of China and saying, 'no, no, we can't do that'. It's about saying we need China, but we also need some of these other emerging opportunities. The UK Free Trade Agreement has just entered into force less than a month ago, [an] immediate win for the New Zealand economy of \$37 billion just in the tariffs saved. When the EU FTA comes into force, immediately, this will be three times more than the value of the British agreement, we will have nearly \$100 million saved on the first day of the agreement. So again, [it is] important to see how we are looking to manage the risk that is emerging out there internationally.

This is in a sense, the safety net, from the World Trade Organization set of international trade rules. What we are looking to do is build a safety net. Underneath that, we were able to protect our existing access and interest, but also to create new opportunities and encourage companies to start looking at what those other opportunities are that are emerging.

I want to now turn to what is changing in CPTPP. One of the big things that we need to do in this agreement is it needs to be reviewed, it needs to be updated, it needs to be modernised. Obviously, from our perspective, one of the things that we will be focused on is the E-commerce chapter. I'm sure you've heard yesterday that this chapter was found to be a breach of the treaty. So, one of the things that New Zealand is seeking as

part of the process that we are undergoing, is to persuade the other 10—and now 11, with the British joining—that this needs to be addressed, that we need to add additional safeguards and mechanisms into the text to protect and respond to the tribunals report.

The second thing is the general review, there is an obligation in the agreement to review the entire CPTPP text. This is going to be one of the things that we are focused on. It is fair to say, though, that there is no consensus, neither on adjusting the E-commerce chapter, nor indeed on the general review itself. One of our ambitions this year as chair is to be able to conclude a Terms of Reference for the review itself, to get us moving on the review process, including so we can address the Waitangi tribunals report.

I also want to talk about what has changed in the way in which we thought about CPTPP. First of all, we have looked to address the way in which we assess agreements, and the Trade for All Advisory board recommended that we change our approach. In the UK free trade agreement and the assessment that is going to come out shortly on the EU agreement, we have fundamentally changed the way we look at this.

As an economist, we have a very traditional way of thinking about how trade agreements affect an economy, we think about the GDP impacts, we think about perhaps the movement between particular sectors in terms of employment and incomes. In particular, what we are now trying to get is a much more holistic view of what is going on in the sector. You will see on our website, released in the last 48 hours, an assessment that is different, including of CPTPP. In particular, we look at what happens to the regions of New Zealand; about what happens to small and medium enterprises; what's happening to women, particularly women entrepreneurs; but also, what is happening to Māori in terms of the agreement. As part of that, the idea is that these reports will shape the way in which we conduct the negotiations for the upgrading and review of the agreement. Already in the report, you will see a number of areas where clearly, we need to improve the alignment and the implementation of the agreement to better reflect some of those particular areas that we want to focus on: SMEs, benefits for the Māori economy, and so on. These assessments that we now make are going to fundamentally shift the way we think about not just the negotiation of the agreement, but also the way in which we review the agreement with our colleagues and partners.

The last thing I wanted to touch on is how we are changing, and I use the word changing deliberately. We have over the last seven to eight years shifted the way in which we've engaged with Māori—with you—and we have, in a way that to me—who has been working in this area for nearly 30 years—fundamentally changed our attitude as an organisation, as the trade economic group, about the way in which we want to work with you.

There are representatives here from Ngā Toki Whakarururanga, from Te Taumata, from FOMA, and of course, from iwi chairs, where we have developed relationships—they are

sometimes challenging and robust relationships— but they are important relationships to us. The vision is that we instinctively as officials, as negotiators, find out how to work with and think about issues and work with Māori on how we develop them. We are sharing texts. We are seeking input into what that text looks like. We are seeking input and have received input on particular areas of prioritisation. Concrete examples or the manifestation of this changing approach, I believe, is represented in the UK and the EU free trade agreements. Both of those contain Māori trade and economic cooperation chapters. It is really important about how we then looked to ensure that the benefits of this agreement genuinely go back to Māori and Māori economy. It was not just that the work that we did together on, for example, identifying where the priorities for Māori would be on seafood, change the way in which we pursued particular tariffs that we looked to eliminate. We knew we could then focus on squid and arrow squid in particular, to get early elimination of those. Rather than leave them to the three year or the seven years, which is what they had originally been proposed, we were able to then make a decision that some other products of lesser priority would go into the three year and the seven-year phase out. The ones that really mattered to the Māori fishing industry, we captured them all on day one of the elimination.

To give you a very practical example: hoki. Tariff on hoki is between 12% and 22%, depending on the type of particular packages you are using, whether it's frozen consumer packs, or bulk packs. The main supplier into the European Union is actually again, our friends, the Chileans, because they have got a free trade agreement. They don't pay the tariff. So, for every \$100, they send, they lose nothing. For every \$100 we send, we are losing between \$12 and \$22 out of every \$100. This agreement immediately levels the playing field and means that immediately Māori fishing industry is on a level playing field in those products.

Squid and arrow squid are another great example; we are a major supplier into the European Union. But again, the tariff is 18%, \$18 out of every 100 gets lost. Our six major competitors there, they all have free trade agreements, and none of them pay a tax. What is incredible is that New Zealand fishing products continue to be competitive in the market, despite the handbrake that's been applied by those tariffs that have been posed on the agreement. None of those results would have been possible if we hadn't had the kind of information, the kinds of discussions, we had with you.

Also, worth pointing out that in the e-commerce chapter, the digital trade chapter, that we have with the European Union, we fundamentally changed our approach there to try to—in good faith—implement the Waitangi tribunals report, new safeguards, additional language and footnotes put in, to protect the interests that the tribunal had identified that they felt we had missed in CPTPP. So again, practical manifestations. That work was done in very close consultation with a number of groups, but particularly Ngā Toki Whakarururanga in the e-commerce space and Te Taumata in the fishing industry space. So, lots of really important work that we did together that I do not believe we

would have done six or seven years ago without the way in which we're trying to build confidence in one another and build trust.

One thing I do want to acknowledge is that we have not had any breaches of that trust. So, we share highly confidential information, including about where our partners might be on particular issues in areas. We are a highly risk-averse organisation. We do not like sharing information, I can tell you that. We definitely don't like sharing negotiating positions and our approaches to particular problems and challenges. But what we are trying to do is a 'learning by doing' and we are a 'learning by doing organisation', and we are, as I said, we are evolving in the way we're looking to do that.

As I also say, we're not there yet. I know there is a gap between us in terms of expectations and what it is we're able to deliver, but I do believe we are fundamentally shifting the way in which we work with you. You have my absolute commitment that that work continues. That it is a priority. It is an absolute priority in my group, and for all my staff, they know how important this work is to get it right with you. I do believe it is important for us, for you, but also for our country, to get this into a better position than we currently have.

My final observation is just to say that we are doing a number of interesting areas of work where we do want to work closely with you, the IPETCA agreement, the Indigenous partnership for economic cooperation and trade arrangement, where we have high hopes about the way in which that agreement, not just was negotiated, but the way in which it now gets implemented with the innovative structures and institutions that are in place there like the Partnership Council. This was a product of the work that we did together in APEC 2021. So, lots of interesting areas where we do need to be working together, needing to advance the work that we do, that benefits not just the economy, but the way in which we work together to reflect better the values that I think we do share around all of this.

I'll stop there, I hope I've given you a bit of a flavour of why CPTPP matters, how important it is to our economy, to the Māori economy. I hope I've also given you a sense of what's going on in the agreement, the changes that we're seeking, the changes that we've made, and above all, the way in which we as officials and negotiators are looking to change the way we work and are changing the way we work with you.

Thank you very much.

Pahia Turia

I've got a question that's come from the floor, it said: "Speaker, you illustrated the

importance of whanaungatanga with your whakapapa, understanding the value of relationship building, how would the Crown address having better built relationships?”

Vangelis Vitalis

If I understood the question, it's about the relationships that we have with some of these partners and building on those, including in terms of the Māori engagement with those partners, because there is a long history, as you say, with Japan in particular. That's a very long relationship. I'm aware of, for example, in the forestry industry, very close relationships with a number of Japanese companies who have been here through tough times, and good times. So, I do think that those are really important relationships. One of the things that Māori economy does really well is build and sustain those relationships over time, and it's one of the things that we do need to make sure that we're bringing into the full part of the relationship. I think you can see recent travel by, for example, the Prime Minister or the Minister, when she brings to that relationship that she's looking to build, or sustain, or expand, a very strong Māori presence, including with the business delegations that accompany her to those meetings. So, it is a really important strand of the relationship. It is one of the bits that I think we're going to have to think really hard about, particularly, for example, if you think about the relationship with China, where there are deep links that go back a long, long way. We also need to be aware that the Chinese too, they are patriots as well and if the Chinese government says to their people, we're going to stop the trade with Australia—as they did—then the trade does stop.

So, one of our big challenges is how does that fit in with that relationship piece. I am really worried about this world that we're now in. Some of you who have heard me speak before will know that I've talked about the golden weather for trade policy for New Zealand. That's definitely ended. The last six or seven years, there has been a fragmentation going on. There are really big tensions emerging between China and the United States that geostrategic competition challenge. For small countries, this is always bad news. Defending our ability to continue to export to make sure we're generating wealth back home, that becomes highly contested in that space. So those relationships become critical to sustaining that, but we are going to need to redouble our efforts to intensify the work that we do.

Pahia Turia

No, thank you. Thank you for that, and my apologies for not being able to interpret that question, Jason. Vangelis, thank you. Look, I definitely think that from the conversations that have happened yesterday and a lot of the feedback that's been received over their time is that, as a general statement what tangata whenua are saying is that they do want to be engaged early in the conversation. It's hard to be considered a Te Tiriti partner when conversations are happening by one of the partners with other people, and you're

excluded from those conversations. I understand the commercial sensitivity of all of that, but those were the general themes that were coming out of you. So, I really want to thank you for coming along. I’m deeply insightful, excited to see what’s happening. Thank you.



Image from Te Kāhui a Kiwa,
conference, day two.



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view the video

Advancing Indigenous Futures and Trade

Moderator: Dr Keakaokawai Hemi, Assistant Vice Chancellor Pacific,
The University of Waikato Te Whare Wānanga o Waikato

Speakers: Rachel Maidment, Ministry of Foreign Affairs and Trade,
Poutama Trust

Dennis Foley, Professorial Research Fellow, Federation University, Australia
Nailasikau Halatuituia, Mana Pacific

Keakaokawai Hemi

Mahalo for coming to this session. Thanks for supporting us. No pressure. I was feeling a little pressure back there after that introduction. I'm really encouraged though, because I'm up here with a fantastic panel. So, as you heard, through my mother I'm Kanaka Maoli, kanaka iwi. From the north shore of the beautiful island of O'ahu in the beautiful islands of Hawai'i. Through my dad, I am Cherokee from Bohannon mountain in Northwest Arkansas, and I also have some Choctaw heritage and some other things. So, my tāne of 30 years is also Ngāti Poata, Ngāti Kuia, Ngāti Toa Rangatira, Kai Tahu. We have five mokopuna now, so four kids and four mokopuna now, and a couple of them are Samoan too. So, I bring that up, because we have these long and—as was raised yesterday—we have these long and old and beautiful heritages and whakapapa and whakawhanaungatanga that connects us. That's represented in this room and in this panel as well.



Image from Te Kāhui a Kiwa,
conference, day two.

I'm mindful that we have also this history in Moana-nui-a-Kiwa of free trade agreements, and, not always to the advantage of our Pacific and other Indigenous peoples. If I use my own my mother's people as an example, between 1800 and about '94, when the overthrow happens, there are about 90 Free Trade Agreements concluded with Hawai'i, most of those with the United States. If

you look at those free trade agreements over time, they start off as treaties of friendship and reciprocity and very friendly, mutual benefit and things like sandalwood trade, sugar trade, without many tariffs. But over time, they become more demanding and less reciprocal. In fact, you can just about read the overthrow in the text of those free trade agreements. So, I acknowledge that this isn't always an easy space for Indigenous



Images from Te Kāhui a Kiwa,
conference, day two.

peoples to speak of. Of course, my father's peoples had the experience of having to concede a little more land, and a little more in every agreement that they made with the United States as well. So, we come to this pace in that sense, but I'm also mindful—and I think this is part of the real heart of this panel—that the word that we use in Hawai'i for the Pacific, that thing that covers 1/3 of the earth, the biggest thing literally on planet Earth that is at the heart of this agreement, covers 25 million square miles, the places where our people settled cover 25 million square miles. That thing for us is Moana-nui-a-Kiwea, it is the ocean of the great expanse. This panel has the opportunity to talk about that expanse, what it might be, and particularly for Māori, Pacific and Indigenous peoples. I'm really humbled by my panel. So, we've got some questions to keep us on track. I think very good questions. The first opportunity that I would like to give our panellist is the opportunity to introduce themselves, and as they do so, to answer these three questions.

So, the first is how you came to be involved in Indigenous trade. This is quite an illustrious panel. What does the future of Indigenous trade look like to you? What can the CPTPP do to help realise the future that you see? I'm going to just invite our panellists to answer that one by one. I'm going to have respect for our kaumatua and ask him to go first, if you would, Uncle Dennis,

Dennis Foley

Thank you. I'm Dennis Foley. I've had a long association with trade. I've asked the spirits to allow me to walk

and talk in this land and respect it as Koori land, as Māori land—Koori being the word for people—and in doing so I always respect the elders past and present, and we stand on the shoulders of those that went before us. Our association with trade in my mother's clan, which is the Cammeray gal of the northern suburbs of Sydney, in the 1790s, Sydney Town was starving. They couldn't get any food from

England, and it looks like they might have packed up their bags and went home, and along came some very entrepreneurial Māori with some Scottish people, from the Bay of Islands, and they gave the food, or traded the food, to Sydney Town, and the British soldiers got fed. The rest is history. So, we don't hold it against Māori. But that's where our association goes way back to the 1790s, but we also have an association that goes back over 1000 years. If anyone wants to talk to me about that, I'll gladly talk about it. I used to be a banker. I was a state manager for a merchant bank, and I specialised in international trade before I got into the devious world of academia. So, I went from one dark area to another. I've had a long association with international trade. One of the things that scares me in our talks from yesterday and this morning, is we're talking macro, we're talking big picture stuff, where the majority of Māori and Aboriginal small business, is that—it's small business. So, start small, and then from little things big things grow. I'm always careful that I'm always careful about advising people to make sure that they diversify. The best place to diversify is your biggest market, which is right next door. It's not the biggest when compared to China or Europe, but Australia, you've got over 25 million people, getting up to 30 million people there. It's a great market you've already established there. There are Māori businesses there already and Pacific businesses. You've got great colleagues over there already to work with and expand.

Rachel Maidment

Kia ora koutou katoa. Ko Pukengaki te maunga, ko Ruamahanga te awa, ko Papawai te marae, he uri au nō Ngāti Mai te hapū, me Kahungunu, me Rangitāne. Ko Rachel Maidment ahau. I'm Rachel Maidment, and I'm the director of the Ministry of Foreign Affairs Auckland office. I've been in and out of the ministry over more than 20 years now. But I had six years out and during that time, I ran my own business and that's when I started working in the Indigenous trade space. One of my first and my favourite clients was the Hau Kai Coalition, a collective of Māori food and beverage producers, and when we worked with Māori business, helping them get export ready to hit overseas and helping them in market. We also worked with a variety of coalition's including the Miere Coalition which was focused on mānuka honey. We did some feasibility work that went into the collective of blueberry Māori producers called Miro and we also worked with the MiHI collaboration which was the Movers In Hemp Innovation, which has now transitioned to Movers and Health Innovation. Now in my role as director of MFAT's Auckland office, I'm talking to business every day we're the eyes is and the voice of the ministry on the ground in Tāmaki Makaurau and every delegation that we have come in and are all the ones that we have going out, we tried to include some form of hui with Māori contacts in our area.

So that's my background, and I've been told that I can look at sort of the future, and really take it back to grassroots. I'm just going to take that opportunity while I've got it. This is informed by many years working, like Dennis says, a lot of it happens on the ground, traveling around the country, and being in the back room with a lot of these producers. What I could say is that the future is bright, but really challenging. A lot of what we produce is a lot of what the world wants, and we're producing it in a way that

really resonates now with a lot of the markets. But it's really challenging out there. For a whole variety of reasons, it's probably enough for now, but looking forward to coming back to some of the issues.

Nailasikau Halatuituia

Malolelei Pacific Greetings, everyone. My name is Nailasikau Halatuituia. I'm here today. I'm currently working as a managing director for Mana Pacific Incorporation based in Hawai'i. I've been in this space for about 30 years. 15 of those was with the Tonga government, and the rest I was working as a consultant around the Pacific. There's me, the second part of what does the future of Indigenous trade look like to you? To me, coming from a Hawai'i based company, we like to draw on the Hawaiian tradition of ahu po'a, which means collective and equitable prosperity. That's the future. The last part is how does CPTPP realise the future they we're looking for? When Dr Jason Mika asked me yesterday, I was so excited to speak, and then I found out last night that the Pacific is not even included. But I'll draw on my experience, and hopefully it can help the talanoa as we move along. Basically, CPTPP I'm hoping that any agreement is equality, but I'm hoping that it can be translated into equity at the operational level. Malo aupito.

Keakaokawai Hemi

I felt like returning to Uncle Dennis, did you want to add anything about the last two questions there? Which was what does the future of Indigenous trade look like to you? And what can the CPTPP do to help realise the future that you see?

Dennis Foley

Okay, and probably to answer where Indigenous trade goes, if I look back at Australia, and I look about Aboriginal development. Many years ago, myself and a lady called Deb Barwick, we wrote the first—and she was the main writer, I might add, I came from a matriarchal society, you always make sure that the lady has prime billing, that's very important for us—anyway, Deb and I, we wrote the first Aboriginal procurement policy, and we went to the New South Wales Department of Public Works. That's where it all started. Within a very short period of time, it meant that members—I was also one of the founding members of the New South Wales Indigenous Chamber of Commerce—and in a very short period of time, we managed to get all the government departments very, very slowly, it was hard work to procure a certain percentage of their works. To give you an example, we've got one company that was just a very small stationery supplier, they now supply the majority of the health departments and all of the TAFE colleges, and some of the universities. So, this one small company that was just a mum, dad and her and their son is now a very large company supplying stationery up against all the big boys like Office works and all those sorts of things and they're doing and doing a very profitably. So, we've got people at all levels. Now along came the federal government—and God love them, you love the state —and the sovereign power of

Australia, copied that Aboriginal procurement policy and created the Indigenous procurement policy, which was for all government departments. A little bit different, because in there, you've just got to say your Aboriginal then sign a statutory declaration in the State Indigenous Chambers of Commerce, we have Kennaway in Victoria, we have one in Queensland, one in the Northern Territory, one in South Australia, and one in Western Australia. So, they're grassroots organisations. Now that has allowed Indigenous commerce to grow and grow very quickly. I don't like looking at the upper level, but we now have in excess of 20 millionaires, where before you only had probably one 20 years ago. I started this work 30 odd years ago. So, in that short period of 30 years, in three decades, we've gone from having almost non-existent middle class to a very strong middle class. We still have half of our population living below the poverty line, but for every Aboriginal business, they tend to employ between 10 and 100 times more Aboriginal people compared to Pākehā, non-Indigenous businesses.

So, that's where the foundation is. Now, export industries didn't exist 30 years ago. We have nothing on record of an Aboriginal exporter. Now we have many. So, when it starts at the grassroots level, and it's controlled by the grassroots level, not the state, not the government. When it's controlled by the grassroots, it's far more profitable, and it's far more effective. That's where the future is fantastic. In Australia, we had a brilliant organisation called the Māori Business Network that were based in Sydney. I was involved with them in the early days. COVID apparently knocked them out, they're no longer active. But in Victoria, we have the Pacific Business Network, and they have a portal, you can go on the web, look at their businesses. That's where if you're looking at going into Australia, go for the New South Wales Indigenous Chamber of Commerce, Luke McIlroy-Ranga, he's Māori. He's one of the key players in the New South Wales chamber, go through him, go through the Pacific or organisation in Victoria. Kennaway is very supportive. And look at that market. So, before you make the leap into the European markets, or the American market or Chinese market, you've got colleagues over there, joint ventures and partnerships. There's lots of Aboriginal firms that want to deal with you. You are our brothers and sisters, after all. So, I think that's where the future lies, and I am coming from a micro level, not the macro. I do think a little bit different. I hope that answers your question.

Keakaokawai Hemi

That's a great answer. I actually think a great segue into the next question. So, I feel like we have gotten a better sense of you all a little bit, and I know that's going to come out more as we as we talanoa. I feel like we now have the chance to get into these ideas a little bit more. The question that I have for each of you, which is a nice segue from the last answer from Uncle Dennis is, what does the success of Indigenous business and trade mean to you? So, you can add detail to what you've previously said, or you can carry on with that. Uncle did you want to carry on?

Dennis Foley

25 years ago, I remember questioning a startup Aboriginal business. He was in a very racist town, and this gentleman is very dark. Obviously, the darker you are in Aboriginal areas, the racism will affect you differently. I remember him saying to me, and it was rung in my years, ‘this is my time, I cannot afford to fail’. I think that’s the positivity that we have within Aboriginal society. We’ve gone through the COVID, we’ve gone through changes of government, we’ve gone through different legislation, and we live in a country—we’re fighting now to get recognised in the Constitution, we’re still not recognised we still don’t really exist in our own country. One of the sayings that I’ve said from the time I started my research, financial independence is self-determination. That has been said time and time again here yesterday. Financial independence is self-determination. When you are financially independent, whether it be an individual Māori operator, the iwi, or the trust, you have control of your lives and your destiny, you have control of your land. It doesn’t matter what the state comes up with, their powers, they can affect you, but you still have control. I think that’s the key thing. If you have control of your life, your child can go to the school you want, you can live where you want, you can provide food for your family, and medicines for them. That’s where we’ve seen it in Australia as small business grow, the Aboriginal small business grows, the social determinants of success grow as well, so success really, it’s about your position within society.

Keakaokawai Hemi

Thanks, I think I’ll go if we can go to Naila and then Rachel.

Nailasikau Halatuituia

Following on from Uncle Dennis’s points, from Mana Pacific, we’ve come up with a new approach on renewable energy developing community solar. We do realise that we can’t put panels on people’s roofs, especially in the Pacific, because the infrastructure is different between buildings. What we come up with is just one big solar plant, owned in partnership with the community. We’ve signed up with four communities in Fiji, and hopefully, we’re going to get it up and running. That’s the model. Our approach is, we bring in the technology, which is solar and storage, and the finance, and the community provide the land. So, that’s partnership. We sell the energy or the power to the utility, and the profit of that goes to the community. Our hope is in probably 10 to 15 years, the investors’ money will be recovered, and Mana Pacific will move out. Hopefully, we will have trained the community to operate and run the solar farm for the rest of the term. So, that is the kind of approach that we take too, a bottom-up approach, giving the people that power. That energy independence, the financial independence. I think we have got to change the narrative the solution has to come from within.

Keakaokawai Hemi

Yeah, mahalo. You’ve touched on energy sovereignty, which is something that really fascinates me, because we see the need for it all over the Pacific. Mahalo Naila. Aloha, Rachel.

Rachel Maidment

Kia ora. So, I’d like to build on what my panellists have said, in terms of enhancing livelihoods in a way that is authentic and consistent with values. I’m just going to sort of lay out some thoughts about all of the producers that I’ve worked with, and if they could have the perfect enabling environment for them to do that, and what that would look like. The first thing I thought about was capital, and just having simple access to capital, because so many of these small businesses struggle to even get off the ground. Then an environment that really turbo charges R&D, I saw Wayne Mulligan here earlier, but so many Māori businesses are amazing in terms of innovation and are out spending on R&D. If we can turbocharge that, it could have a fantastic impact, including looking at health properties of kawakawa, and different novel food ingredients, for example.

The next thing I was looking at is access and regulations. It’s so difficult sometimes for these SMEs just to be able to get things into markets. It would be amazing if, for example, they didn’t have to change the regulations or the labels or their formulations. I’d have companies that had something that was perfect for a market, and they needed one change to the label to be able to get it in. But they couldn’t afford \$40,000 to re-label. They would have the IP protected and they’d have their Indigenous names and ingredients protected, and they’d have their production processes recognised. When we look at producers now with climate change, for example, you’ve got wine producers that I’ve worked with, and they’ve had to change when they pick, how they pack, add sugar at different parts of the process. If they could get that into a market using their own process and have that recognised rather than adhering to rigid frameworks that would make a difference.

Cheap air freight for samples to get them started. I had some companies who couldn’t afford several hundred dollars just to get the chilled product samples—and it might only be five pots of soup—into Hong Kong. That was a real barrier. Then just companies working together particularly on joint brands and at scale. That’s something we tried to do with the Miere Coalition, and that can be very difficult because a lot of the companies have come up through grassroots, they might be selling their honey product at a market, and they’re really wedded to their brand. But their brand might be Kai Ora or we had Hema water. In China, for example, Hema, all of the Māori sounds are quite similar to Chinese and so they’re often already trademarked, and Hema is a huge supermarket retailer in China.

A robust quality mark. So, recognising what’s important and what adds value for Māori products, and then just talking about Indigenous-to-Indigenous cooperation. So, looking for joint opportunities and Dennis was talking about this in the procurement space and

working together and third markets. That doesn't necessarily have to be Indigenous to Indigenous. But if we could work together on procurement initiatives, for example, in Australia, or if we could work together to go into the Pacific or with Pacific partners into third markets as well.

Then just looking at things like we've got these Māori cooperation chapters in our free trade agreements, how can we look at targeting projects, docking into existing things that are already happening to leverage the power, aligning ourselves across government—I'm also a trustee on Poutama Trust—and how can we use grant funding together with government funding to give with private sector funding to really increase impact.

Keakaokawai Hemi

Mahalo for that. I can't believe how quickly this conversation is going. I do have a couple of pressing—I think these are quite important questions. Thank you so much for leading into how we can strengthen the ties between Māori, Pacific and Indigenous nations on trade. But Naila and Uncle Dennis, did you want to add to that? So, from here, how can we strengthen those ties?

Nailasikau Halatuituia

For me, I think I mentioned it before, we've got to change the narrative, in order to change the mindset that will allow us to progress. I think from a Pacific point of view, we've been told that we are small, we are in the vast ocean. But I think small is beautiful, transpacific trading has been done in the Pacific for millennia. It's not a new thing. It comes from cooperation, between nations and between ka'inga. So, transpacific is not a new thing. That's the first thing. The other thing is, from the Pacific, we were told that we are too small to attract third party investors, to our own initiatives. I think with Mana Pacific with our model, we've managed to attract investors that would invest because the projects, for example, the four projects in Fiji, you're looking at about \$120 million USD. So, what we're doing is we are putting small communities in portfolios and put different countries into one package. That allows us to draw in third party investors, and also work with our suppliers to reduce the cost. So, it's little things like that, that we can do to progress our people.

Dennis Foley

I think it makes sense if use the extreme example, to use those existing networks that I've already mentioned—the Pacific Association, the Māori and Pacific Association in Victoria, Kennaway Aboriginal Chamber of Commerce in Victoria, New South Wales Indigenous Chamber of Commerce, and the Māori Business Association—using those platforms to help you get in. But I remember back in early 2000, I was living in Aotearoa, I was living in Auckland and researching, and we had this argument going on about a

Māori label of authenticity. There was a lot of talk, but that’s something that we’ve argued about in Aboriginal Australia, and we still haven’t got an answer, where there was an Indigenous label of authenticity. It’s been thrown around in Australia for over 30 years. So, would you pay a premium price for Māori product? I think you would. Particularly if it was in foodstuff, or in cosmetics, or anything in that area. I think you would, because I know that the Aboriginal label definitely gets good sales overseas in that area. If you’re on a Qantas plane, particularly in first class, a lot of your foods are actually made by Aboriginal suppliers. You will have all sorts of treats there, particularly in the sweets area. Is that the case in New Zealand? Are they supplied? I don’t know, but that would be a wonderful market for Māori suppliers to be supplying for Air New Zealand. Qantas have taken it up. They do it. So, I think their trademark concept, getting that label. In Australia, you buy a New Zealand label, and automatically you know that it’s green, it’s fresh—or it’s supposed to be—and it comes with that argument of green. So, the Māori label I think would. It’s not rocket science, and that would be something that would be so acceptable in Europe, and other countries, I’m sure. Even the milk products, the dairy products in India, if it’s Māori, it means that it’s come from a green, good supplier. I know that’s the fashion there. It’s not rocket science. A Māori label, it means quality.

The thing about Māori, the thing that I’ve always been surprised by, from day one, when I started my research in Aotearoa, was you have something that we lost. It’s called tikanga. Māori tikanga is the greatest gift you have. A lot of people don’t realise that value system, when they took us off our land, and they shoved us in the missions, and they broke our languages and they broke our spirit, we lost that value system. You still have it, and you still have it in abundance. That means that the Māori product comes with a value system that you can recognise straightaway. That’s what I think is its greatest asset.

Keakaokawai Hemi

Mahalo Uncle, because I think Uncle Maui was talking about something similar to that, this is one of our greatest kind of relational points is the values that we all hold together. So again, bearing in mind that we don’t have too much more time, but I do think this is an important question, it’s the million-dollar question. No pressure. But what’s been the most important thing that you all have learned about Indigenous business? Perhaps something that we need to share with the world? I’ll pick on Rachel first.

Rachel Maidment

I’m just going to quickly talk about that Mark element as well, because when I was working with MIHI, the Movers in Hemp Innovation, and we were looking at the US as a potential market—because that’s where a lot of food trends start, and then they move around the world—and we did discover that, it’s quite difficult to get traction with Māori because first of all, they’ve got to understand Aotearoa, New Zealand, and that’s a barrier. Let alone being able to talk about Māori provenance and what that means. But

it's very aligned with what is happening in the US now around mission-based marketing. So, mission-based marketers were doing really well, and that was very aligned with value systems, renewable energy production, all of these things that Māori businesses do so well. I saw some really great examples of collaborations. So, big producers had a lot of clout, because the marketing spend in the US is huge. But they would partner with Indigenous organisations together for that market, and that could work really well.

But in terms of one big thing, I'm going to change a little bit and talk about a couple of things. One is just the power of the coalition and the collaboration. I've seen it time and time again. I'm going to use Kiri Nathan and her awesome Kāhui Fashion Collective as an example, and also the Haukai Coalition. So, when Māori business work together in a coalition better than anybody else in New Zealand, and just the power of the big companies supporting the little ones is so important. The learnings that can be transferred, and nobody is protecting themselves, it's all about giving to others, and that can make a huge difference. So, sharing contacts, sharing advice sharing support, just makes such a difference. That is such a superpower. The big thing, though, is that so much of it comes down to the brass tacks, it comes down to the rules and the regulations and the complexity around that. So, just really coming to grips with the nitty gritty and what the rules are, and then working towards being actually able to access those markets.

Keakaokawai Hemi

Mahalo. Naila we might go to you again.

Nailasikau Halatuituia

I think taking over from Rachel's point—as Indigenous people, we've got our values. When you say Pacific, there's not one people, they're different ethnicities. But the cool thing, beautiful thing about the Pacific, our values transcend across those ethnicities in terms of collaboration, cooperation, and sometimes we come to study business, and they talk about competition, and kind of dilute our value. But if we go back to our own values, we can collaborate and cooperate in certain activities or spaces, and we can be competitive in other spaces. But that doesn't mean we have to be competitive on everything, in every space. For example, in Tonga, you can have three or four small dairies, as you call it, they can combine and procure as one. So, to have that reduce your costs and everything else, and then spread out that those goods and then you can be competitive in terms of selling it. So, those are the two things. My point is, there are values that we have, that sometimes we went away with. That's what I said at the beginning of the narrative. We have got to change the narrative. They said, competitive, but for us it's not competitive, it's cooperation.

Dennis Foley

I think we saw an example of it in the last session last night, where I wouldn't say we had three warring partners. But we had three people with very strong beliefs. They came together as one. There is a word in my language which means to be as one, and that's when a wife will stand with their husband, as a warrior in battle, it's when a brother will stand with his brother in battle and it's also when the seagull mates, because the seagull never mates with another bird, it stays with that partner. That concept is so important, because not only did we do it in battle, but we did it in life. We did it continuously, and what we saw last night, and I'm hoping that I'm allowed to do a little song, because yesterday we had plenty of songs, and it actually touches on that concept. I think that united, you will succeed, divided, you will not. In Australia, we have been divided too long. The Aboriginal procurement policy is probably the first thing, apart from the Aboriginal flag, that's brought us together. So, the Indigenous procurement policy, because it's run by Supply Nation, which is a federal government funded agency, it's not an Aboriginal agency. That's where we're divided, but at the state level, we are one, and that's where success comes. We've seen that, but it's going to take us a long time to catch up with our Māori partners.

Keakaokawai Hemi

That's beautiful, and I say yes to the song. I'm sure we all welcome that.

Dennis Foley

Do you want an Aboriginal song? Usually, we come over here and we're too frightened. Well, with your allowance. Now, this is a song that's done at our corroboree. It's done twice, it's done at the start. I'm not going to go through all the motives and the actions because I am getting old, and it's not a pretty sight when I take my clothes off now. But at the start of our corroboree, here, we usually last five days on the full moon, to two days before the full moon. The full moon is very special, because that's when the spirit from Nagari the moon, her spirit, she holds the spirit of the child, it comes back to Earth, and we have two more days. Now the first day, the first corroboree starting at sunset, it's all about leaving your weapons back in your shelter, coming into the corroboree with no weapons, and you come in unarmed. Now, there's between 14 and 18 verses, I'm only going to do two. So, you come in unarmed, and that's what we saw yesterday afternoon in that last session, I think if I read it right. Now the last session, correct me if I'm wrong, the last session in our corroboree is one about sharing food, sharing kai. The motions are, the fisherman goes out and looks at the sea, scatters his net, and then collectively, all these people that he's not related to pull the net in. Then they have this motion of sharing. If you visited Cairns or something like that, you've probably seen the same dance and the same song because it's done right from the Cape, right down the eastern seaboard, and because we are Pacific, we consider ourselves as Pacifica, and we're saltwater people. So, without any music or accompaniment, so excuse me, (Sings the song). There you go. Thank you.

Keakaokawai Hemi

Mahalo, Uncle, mahalo. Oh my gosh, that makes me feel really emotional. I really appreciate that. But I know that we're kind of at the close, we did have one question, and I feel that this is also a good to wrap this session up. So, our question is: speaker, you illustrated the importance of whanaungatanga, with your whakapapa, understanding the value of relationship building, how would the Crown address having better built relationships?

So, I really appreciate this question. It goes back to the place of our Pacific people here in Aotearoa, and those complex relationships. As we have heard, we have that long history of voyaging and learning. In fact, as an Eastern Polynesian, as a Kanaka Maoli, I know I have Fijian and Tongan and Samoan ancestors, and Papua New Guinea ancestors, and probably Aboriginal ancestors. Those are very old relationships and things not to forget. I'm mindful of Epeli Hau'ofa our great, Tongan scholar, who spoke of our sea of islands and spoke of the Va, and the Va is that space between. It's that space that really isn't space, it is relational space. But it's a space that is always closer than you think.

So, we continue to have outcomes that are going to impact us all. Earlier this year, I was doing a presentation. You can guess this was in February, and I was doing a presentation in an SDGs conference. I don't know what made me say it, but I said we need to be careful that we don't look to the Pacific, and we don't say, 'Oh, those poor people, in Tonga, those poor people in Kiribati or those poor people in Tuvalu, who are experiencing those horrible things', because it's coming to a grocery store near us or it's coming to a place near us. Unfortunately, we had the Valentine's Day weather events, and we've had some more since then. So, these things are always closer than we think. These are the complexities that are going to have to be factored into our trade agreements and into our thinking.

I'm also mindful that we have complex relationships for Pacific people here in Aotearoa. So many of us have children, who are mana whenua, and they're also Pacific, which means that they have Treaty rights. If they're Samoan, they should have a recognition of rights under the Treaty of Friendship, which is still in place. Plus, a long colonial administrative history that is not fully resolved and addressed. We have countries like Tuvalu and the Cook Islands and Niue and Tokelau, who have special relationships with the Crown and therefore, the Crown has responsibilities to them as well. Mahalo. So, these things are not addressed necessarily in the CPTPP. In fact, as Naila has mentioned, it is very ironic that the CPTPP seems to fly over this biggest thing on earth, and none of our Pacific peoples are partners to this treaty. It's glaring. Then we have the diasporic communities here, who are doing their best people like our Pacific Business, Network, who are doing their best to ensure that we are able to get into the export market. Then we have rugby bodies being traded. We have RSC, and we have all of these things going back and forth over the Pacific. But Pacific people are not part of the CPTPP. So, mahalo nui for that question. I'm really grateful.

I don't want this to end on that note, I'm so grateful to our panel. I do want to put that out into our thinking. But I'm so grateful to our panel, they've been entirely generous, in the way of our Indigenous peoples. We've had two panellists who have pivoted and been quite agile, to come to our rescue. So grateful to all of you, mahalo nui, mahalo piha, mahalo palena ole. And when I say that mahalo piha is the wholehearted, mahalo palena ole is the I don't have words. Mahalo nui.

So, I'll lastly, just leave it leave us with this last idea. When Naila was talking, if I had to share an idea of success, it would be āina momona. Āina momona is this idea of abundance. It is a fat, fertile land that allows people to thrive. We'll know when the CPTPP is right because it will produce these outcomes just like our models and our ecosystems. It'll spit out those outcomes. If we get this right, it'll spit out those outcomes, like a very healthy ecosystem feeds people. So, I'm going to leave us with that thought if you'll allow me and mahalo nui. Thank you.



Image from Te Kāhui a Kiwa,
conference, day two.



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view the video

Upholding Indigenous rights and interests in trade

Moderator: Jason Mika, Associate Professor, Te Kotahi Research Institute

Speakers: Risa Schwartz, Sole Practitioner, Risa Schwartz International Law

Maria Bargh, Professor, Politics and Māori Studies

Jason Mika

Kia ora tātou. Ka nui te mihi ki a tātou i tēnei wā . So, it's my pleasure to, to stand in on this on this panel for Carrie, and to welcome our panellists to the session on upholding Indigenous rights in trade and free trade agreements. We are very blessed to have two amazing speakers who are going to share their thoughts and ideas and wisdom and extol the virtues of all of our indigeneity and wonderful things that they're going to share with us today. So, without further ado, I'm going to ask you each to introduce yourselves and also to address a few key questions about what are Indigenous rights, and how are they protected in free trade agreements at this time? Kia ora.

Risa Schwartz

Hello, everybody. First, my name is Risa Schwartz. I'm a lawyer from Canada, working in international trade, international environmental law, and the intersections with Indigenous rights. I identify as a settler, potentially a more of a migrant, my background is Jewish and so, my family is somewhat new to Canada as well. My grandparents came over from Poland in the middle of the Second World War. I'll give just a two-minute background of how I started working in this area. This is a new space and I'm not sure how many young people are in the audience that are starting to think about areas that they should focus on for their careers, but I think this



Image from Te Kāhui a Kiwa, conference, day two.

is definitely a growing one. When I started my work, it was much more of a focus on environmental law, and climate change was a big motivator for me, early on. I think unfortunately, we're starting to see the effects. Now, I'm actually more than happy to be here today, not only for the wonderful invitation and learning all about Indigenous trade, from a Māori perspective, but also because my country is burning. So, the air quality in



Toronto today is the worst in the world. I'm actually concerned about my parents, who are elderly, and my small dog, who I have left at home. It's been like this off and on all summer, earlier than summer, because our summer started in May, usually May is just starting to get warm. This year, May was hot. And that's why Canada is on fire. The smoke is affecting all the way to Europe, down to the United States. When it's like that, I'm sure people from Australia know what it's like, you can't go outside. So, we're stuck in our homes and the only nice weather that we get.



I want to make this point; I think it's important because it really was the motivating factor to take my environmental law experience and start looking at ways to fix some of the structures that I feel are broken. Broken from an equity perspective, as we've discussed, but also broken from a people perspective, that has also been mentioned yesterday, when we're talking about environment, we're talking about people. I think that's sometimes lost as well. So, trade is important for people, trade creates these connections. I think trade brings us together. But something's been lost over the last 50 years where the wealth from trade has gone to too few, it's left out many from the economy. It certainly left out Indigenous peoples, and with that what we're also losing is our planet. So, my hope is the focus on Indigenous trade also brings the focus back to a more nature focused worldview. I think it's very important to have that perspective.



Images from Te Kāhui a Kiwa, conference, day two.

Now, I will plug the work that Carrie and I have just done. We just co-authored a piece looking at the IPECTA, the Indigenous People's Economic and Trade Arrangement, which is I think the first agreement— really, it's an arrangement, so it's non-

binding, but everything interesting in international law starts off as non-binding. I think we focus sometimes on 'Oh, it's not a treaty', right now Canada's implementing the UN Declaration on the Rights of Indigenous Peoples, or the action plan just came out earlier this week. So, we as a country are implementing a non-binding

declaration. I also hope that we'll be implementing a non-binding trade arrangement, starting to take some of those —I think it's either Article Two or Article Three, that speaks to Indigenous worldviews really influenced by Māori. But what I found as an outsider sitting in with my clients, mostly First Nations, was how there was so much agreement between the worldviews, not much argument concepts, in one language really resonated with another language, someone would say, 'Oh, yes, I have a word for that in Mohawk, or the Anishnaabe say this.' which was beautiful to see, as someone sitting back, but I think it should speak to all of us. I really feel that this is why I do this work, why I love this work, and why I hope that not only will there be opportunities and benefits for economic success, but also protecting cultures, way of life and building those relationships to help our planet.

Maria Bargh

Tēnā koutou katoa. Kei te tautoko au ngā mihi kua mihia i tēnei ata. He uri o Te Arawa me Ngāti Awa e mihi ana ki a koutou. Ko Maria Bargh tōku ingoa. Kia ora everybody. I'm Maria Bargh, lovely to be here. Yes, so we were going to begin with a little bit of background, and I think that will give you a sense of where my comments are coming from. My original research in this area, well I was involved with the Māori Students Association, back in the 1990s—late 1990s. As part of that I worked for Te Mana Akonga, the National Māori Universities Students Association, and was sent one year—largely by Annette Sykes who was here yesterday, unfortunately, not here today—with some others to a meeting in Geneva, of the People's Global Action against “free trade” and the World Trade Organization. There, we participated in the meetings, and in particular, in the Indigenous caucus with people from the Zapatistas from Mexico, who were at that time at the very forefront of rejecting NAFTA and the policies that they could see impacting them there, and those from Ecuador, Kuna from Panama, and other Indigenous Peoples who talked about the very real impacts of trade agreements. I think that was what struck me, particularly when I came home, was to try and keep making these connections. I went to a few marae meetings and hapū hui, and tried to get my whanaunga, at Ngāti Kea and Ngāti Tuarā inspired, but it's making those links for people between the very specific real impacts they can see happening, including in the environmental area, and these sorts of trade agreements.

After that, my PhD research was on trade deals in the Pacific, the PACER and the PICTA and Indigenous resistance to those. My time at ANU overlapped with Jane Kelsey, she was there for a period and of course, influenced some of my thinking. From there, looking at the Indigenous resistance side, one of the things that struck me was all of the sorts of economic activities, diverse economies existing in the Pacific and here in Aotearoa that are often marginalised or invisible, and not recognised in trade agreements, or in the academic literature about it. I was perturbed that within the discipline of international relations, and in politics where I was based, these whole worlds were absent.

So, after coming back home, a lot of my research has focused on those other possible worlds that are already in existence. I've been quite influenced by those in the community economy space, who argue that if we talk more, write more, bring further to light the sorts of economies that we already have in existence, that helps to proliferate those, to show people that those are already viable alternatives to some of these other sorts of arrangements. There, we can think about Māori leading to a certain degree in some of these spaces, cooperating with other Indigenous peoples on Indigenous data sovereignty agreements. Even the cooperation that we have in the law area for bilingual, bicultural, biaural LLBs and the universities has a flow on effect to the courts, to policymakers and those designing and participating in trade agreement negotiations. As well as that we already have specific relationships based in Indigenous values and principles and economies. I think Tainui had an arrangement a couple of years ago with the Squamish nation -an MOU for economic cooperation. So, those sorts of things often fly under the radar, but they're based and founded in Indigenous economies and worldviews, and I think those are worth remembering. The agreements that have been talked about a lot are in the Kāwanatanga space, which should be Tiriti led, but we also have our rangatiratanga sphere of political authority, which needs to be resourced—I will come back to that—to continue the sorts of activities that Māori want to engage in directly with other Indigenous peoples, and so on.

Jason Mika

Thank you. I guess, Risa, you've been sort of involved in this area for quite some time. I'm just keen to hear a little bit about some of the examples in terms of some of the different ways in which Indigenous rights had been upheld or protected and how its working, sort of from your perspective, in Canada and other places through the work.

Risa Schwartz

It's similar but different to the Waitangi Tribunal and the decisions that came out of that. It's also I believe, how there was a start to looking in the international sphere of upholding Indigenous rights, certainly in the UN Declaration on the Rights of Indigenous Peoples space, there's been a lot of work and a lot of work has gone on for decades. So, some of the great thinkers from Canada like Sákéj Henderson, who was there and sat with Moana Jackson, working on the UN Declaration many years ago. That space has been filled, definitely but trade it was an area, which was so important to Canada, and certainly when I look back and did my research, I saw that there were a former chief, so the Assembly of First Nations making pleas for engagement, but also explaining that this is their land, and you can't trade the products without involving them, so both defensive and offensive positions. That was somewhat ignored until I would say quite recently, it's linked to the success of the UN Declaration on the Rights of Indigenous Peoples in Canada, but also to some of the work done by a First Nation out in British Columbia. They brought working with the Council of Canadians, who is it an advocacy or an activist group in trade, they brought a judicial review saying that the China-Canada investment

agreement couldn't be ratified in Canada, because there had been no consultation in accordance with the constitution of Canada, which recognises Indigenous or Aboriginal rights and treaties. So, the case was ultimately lost, because the word is almost the same, the court said there was only a speculative link between the investment agreement and the rights of this First Nation. I think I'd like a rematch, to be honest, but the courts did agree that Indigenous peoples had to be consulted on international agreements that affected their rights. They didn't see the link here. Wrong. But they did see that there were potential links with others.

So that got Canada interested because they could see the writing on the wall, and suddenly there was much more involvement. There had already been some in the climate area, but I think it intensified in the trade area. There was suddenly quite a bit of interest starting off in around 2017 when then President Trump decided no trade agreement was good. That impacts the CPTPP as well, the United States walked away from the TPP and also said this NAFTA doesn't work for us—which was the North American Free Trade Agreement, and that was going to be renegotiated. Canada came out with 10 separate priorities for the renegotiation of the NAFTA, one of them being an Indigenous people's chapter, so trade Indigenous peoples' chapter. I got fortunate at that point, I was working at that time at a think tank and had written a paper looking at why there was no consultation, why that was wrong, and forget about the Constitution. That's one thing. There should definitely be more than consultation because consultation has failed First Nations and others in Canada. There needs to be participation in decision making, in accordance with the UN Declaration on the Rights of Indigenous Peoples, and free prior informed consent, and there was a failure in the trade space. And this paper set out what an Indigenous people's chapter could look like. At the time, frankly, I thought I was sort of pushing the envelope. Two minutes later, it was policy and I thought I didn't push far enough, which is too bad. But I got a chance to work with Former National Chief Perry Bellegarde working on an Indigenous people's chapter taking some of the ideas in the paper and building on of course, the ideas that were already housed within First Nations collective advocacy, before turning into a much better precedent chapter and presenting that to Canada and saying, 'Here's your precedent chapter.' To Canada at that time working with other Indigenous peoples and Indigenous peoples working group, Canada did take a lot—not everything—but to their credit quite a bit of the ideas that were put forward by the Assembly First Nations and others, into a precedent chapter. We haven't yet seen that precedent chapter. It didn't make it into the new NAFTA, the CUSMA. That's unfortunate, but there's three parts, and I'll just explain that. I think it's slightly different than the chapters I'm seeing for Māori. The difference between the Canadian precedent is it looks at three areas, of course, again, the benefits and opportunities and some cooperation activities, and a strong protection of rights, which became the general exception that was included in the CUSMA, or the new NAFTA. But the third piece, which I think is important, which I don't see yet in Māori chapters, except for in IPECTA, which is a Partnership Council, or some other council for Indigenous peoples to sit on and influence the chapter as it's being implemented and growing. So, making sure that the cooperation activities actually work, adding on to those cooperation activities, and building the relationships so that

Indigenous peoples can probably realise what is really wanted and what I’ve heard here as well, I’ve heard this from my clients, Indigenous to Indigenous trade.

But that has to start somewhere, and why not start within trade agreements, make those rules work, really work, for Indigenous peoples. So, I think that it’s very important to have that council, maybe less so in the EU or the UK agreement, who are you sitting with, right? In the EU agreement, there are the Sámi, and I think the EU really should step up or for the Sami people, but in the UK, there are no Indigenous peoples left there anymore. So that as a council that doesn’t really work, but as a precedent, I’m glad to see it in the IPECTA, and I think that’s a very key part of what should be an Indigenous people’s chapter going forward.

Jason Mika

Thank you, Risa. Maria, would you like to make any other sort of comments in terms of some of the sort of points that Risa is raising around engagement with Indigenous peoples on Indigenous free trade, free trade agreements? And how that’s progressing or not? What’s your view?

Maria Bargh

Well, I’d like to just take a step back, first of all, and say what are the extent of our rights and interests? Because to me, before we rush on to the next bit, we don’t have agreement on this first question. I think from tikanga Māori, as a source of our law we have mana, our own mana motuhake over our rohe, our kainga, our taonga, our waterways and so on, and we have our own rules and practices and law and politics around all that. So, the extent of our rights and interests there, I think, are much wider than are often conceived by the Kāwanatanga. We have rights stemming from Te Tiriti, tino rangatiratanga being a key one of those. Again, I think the view from Kāwanatanga is that those rights are smaller than we, as many of our hapū and iwi conceive of them to be. We also have rights from the minimum standards set out in the UN Declaration on the Rights of Indigenous Peoples. So, I think that’s an important starting point and thinking, at that very basic level about, what are the extent of our rights and interests. We have an expectation that they’re much broader, and the Crown is seeking in our domestic sphere, and in all sorts of other arrangements, to limit and really contest our rights, and control resources and the ownership of resources. I think that’s where some of the difficulties start, before we even get to the next bits.

I think the other important point to make here is that the burden for engaging in these activities does fall to hapū and iwi. So, resourcing the rangatiratanga sphere is really important. That was something I was going to talk about further on, but I’ll say it now as that’s a real conundrum for many Māori, is how to participate in these sorts of trade agreements, and analysing texts and so on, and also balance our time with strengthening that rangatiratanga sphere. We’ve all seen the diagram from He Puapua now the tiny little it’sy bitsy rangatiratanga sphere and large Kāwanatanga sphere. How do we get

the spheres of political authority be of equal size, if our energies keep getting drained into the Kāwanatanga sphere to raise their capacity? There do need to be Te Tiriti led processes, there and in the relational sphere. But we also need to actively resource that rangatiratanga sphere, to be able to stand at an equal size and power, and I think that's important.

If I just then segue to the trade agreements, I think an important point to make in terms of thinking about if these agreements can uphold our rights? Well, they were never designed to protect or uphold Indigenous people's rights, and ngā mihi those who are trying to enable them to develop and have this phased approach to something better. But at the heart of the philosophical perspective of these trade agreements, are assumptions about people, that we're individual, self-maximising, selfish individuals, that markets have a particular efficiency, and are the best mechanism to govern all sorts of activities that were previously governed in other ways, or for Indigenous communities that continue to be governed in other ways. There are ideas that the state is inefficient and should just have a minimal role. So, I think we shouldn't forget that baked into these trade agreements are assumptions about Indigenous peoples having lesser forms of law, lesser forms of political economies, and in fact, needing some civilising by this market mechanism. We should keep in mind those limitations, of the philosophical underpinnings of these agreements, they're set up to privilege, transnational corporations. Their very creation is on the back of Indigenous marginalisation over the world. But we should also remember that parallel history of sustained political initiatives that Indigenous peoples are engaged in to pursue their own visions, and political economies. I think with enormous amounts of effort, from Indigenous peoples, trade agreements can be tinkered with and improved. Again, I mihi to those who are involved in that in that work. But it's a hard slog, and they're not neutral processes, and I think keeping your own Indigenous worldview is key.

Jason Mika

What would an ideal situation look like in terms of if we're moving away from the struggles and the sort of the resource constraints and the demands that are placed upon Indigenous peoples to engage with free trade agreements? What would the opposite look like? What would the sort of ideal look like in terms of a more sort of partnership-based approach to engaging with Indigenous peoples on these trade agreements?

Risa Schwartz

I will try to answer that question. But, what with talking about something, I think that's really standing in the way to the ideal relationship, and I think this fits on very nicely to call everything you just spoke about Maria is the same issues that you're trying to fit into something that's already there. I think also trade agreements themselves have changed; at the beginning they were about tariffs. We heard today, lowering tariffs and making sure goods can go, those are good things. But trade agreements became something more, they started reaching into the sphere of our lives and changing them,

having impacts on and on the environment, public health and safety. I think the main villain to that—we talked about that yesterday—is the Investor State Dispute Settlement. I think having Investor State Dispute Settlement in with inclusive trade, it’s the antithesis of inclusive trade. Because again, you are elevating—unfortunately, here, I’m actually quoting my deputy prime minister—elevating the rights of corporations over sovereign governments and certainly elevating those rights over the rights of Indigenous peoples. Why is it so important? Because the clashes are happening over the use of land, and it’s not going to get better. I think it’s going to get even worse with critical minerals. Where are these critical minerals located? Certainly, it ain’t Canada, where are these critical minerals located, they’re located in traditional territories of Indigenous peoples, unceded lands of Indigenous peoples. It’s going to be an even bigger problem.

This was, I thought maybe, recognised with the negotiation of the new NAFTA, the CUSMA, was decided between Canada and the United States, they would no longer have ISDS between them, they did continue with Mexico. I think it’s actually, June 30 is going to be the end of the legacy period of NAFTA claims and no time too soon, because there’s been a few that have been launched over the past couple of weeks. One of them an important one, that affects I think Indigenous rights in Canada is called Ruby River. So, these claims are very impactful. My concern is with the United Kingdom coming into the CPTPP, most of the headquarters of oil and gas and other extractive companies are in London. That means there’s a lot of UK investors who will want to expand into different countries in CPTPP. New Zealand has taken a position to have a side letter with the UK, as has Australia, to disallow the ISDS provisions. That’s great when it comes to the UK, Canada has not done that, so that’s very problematic, I believe, for Indigenous peoples in Canada. We’re getting rid of one problem, the NAFTA, and replacing it with an equally big problem, the CPTPP and the ISDS. It’s called chapter 11 in NAFTA. So now it’s going to be whatever the chapter is called and CPTPP. Everybody will soon be talking about it. I’m not sure why there’s not more pushback in Canada. I think it does seem people are struggling and saying well it was already there.

What’s the problem with UK joining? They’re not even the Pacific. Who could have seen that happening? We talked about the Pacific Islands saying why isn’t the trade here. Well, it’s very interesting that the UK has invited themselves to a party that they weren’t especially supposed to be at. They’re bringing a big problem with them.

So, moving forward as we’re talking about what ITAG can do, what the CPTPP review can do, we need to I think, one: have a stronger general exception in the CPTPP, so, good that there’s a Treaty of Waitangi exception, but that we’ve talked about how there are limits to that. The new language that New Zealand has worked on with Māori looks much stronger, it’s somewhat similar to what’s in the CUSMA now. So, a stronger general exception needs to be there. Yes, that’s one, but that’s not the solution. The solution is no ISDS, and although we may not be able to talk all the countries out of it, all the countries that are a part of ITAG should be moving forward with their joint declaration on inclusive trade and noting they will not have ISDS between them. The mirror has to be held up to Canada, they’re talking out of two sides of their mouth. My understanding is they’re the ones who brought the CP into the CPTPP and wanted to have progressive

there and then went ahead and just pushed ISDS and they're one of the champions of it. Why? Mining companies. We have tons of mining companies, and they are causing havoc across the world. They are the worst. Canada is a country where the reputation of being clean and environmental—we won't be seen as green too much longer because all the trees are on fire. But the work internationally that we're doing with mining companies is a stain on the reputation of Canadians. I believe that we need to really use this opportunity of the ITAG review and the CPTPP review to at least make sure that the ITAG countries won't have ISDS between them, and Canada also.

So, we're working with the Assembly of First Nations and the Indigenous Working Group, we worked on the general exception to make sure that was in the CUSMA, Canada haven't taken the stand as strong as I'd like, but the idea is it's going to be in every other trade agreement, this this general exception. Also, the same language and other progressive language has been put in a model investment agreement. So, protecting some of the Indigenous rights for the ISDS if Canada enters into the model agreement. So, five years of this work, and what does Canada do? Just it says, 'we're just going to go forward with ISDS.' The UK, similar to New Zealand are negotiating a bilateral agreement. They could have chosen the path, if they wanted to have ISDS so badly, they could have used the general exception, they worked on good faith of Indigenous peoples, they could use the new model language that also goes quite a bit farther to protect the rights of Indigenous peoples in the bilateral, and with the CPTPP entered into a side letter. Certainly, they could have done that. That was available to them. I don't understand the position that's been taken I feel that it is a real step backwards to the work that Canada has done. It is very problematic.

So why this is also important, there is a side letter that New Zealand has with the UK or will have with the UK. There is side letters with some other countries, they don't have a side letter with Canada. So, Canadian companies can bring claims here, and all you have is the Treaty of Waitangi exception, which we've already discussed is probably not going to be that effective, there's my ISDS claim.

So, a lot of work needs to be done. Something I want to bring to everyone's attention as we're discussing this, I'm very positive about some of the work, I started off positive—here's all the good work that we had done—and that good work with ISDS in trade agreements can all be undone with just one claim in bad faith. Also, if First Nations rights are threatened by these claims, they're not going to want to sit at tables and talk about how trade is inclusive. Thank you.

Maria Bargh

I'm glad you raised the critical minerals issue. It was something I was going to raise also. We are in a climate crisis and thank you for reminding us that there are concerns there. I think what we can see happening again reminds us what sorts of entities are getting privileged in these kinds of arrangements: transnational corporations. So, when it comes to mining—I'm the minerals advisor for our hapū Ngāti Kea, Ngāti Tuara—what we're seeing in our area, which is at Horohoro, south of Rotorua, is billion-dollar multinational

mineral companies coming now looking for lithium and rare earth minerals. They've pivoted and have greenwashed themselves from the other sorts of devastating mining activities that they've been engaged in previously. They're now picking up on this kind of green energy economy and trying to pursue the same sorts of extractive activities, also using mechanisms which encourage 'foreign direct investment'. I think it's important to remember that the word 'trade' often confuses people, we're talking about capital flows as well and so those multibillion-dollar mining companies are the entities with the large amounts of capital. So, when we think about the power dynamic there, I'm the minerals advisor, a volunteer and I have to engage with representatives from this company about permits they have in our area. Our perspective as a hapū is that we continue to have mana over those minerals in the ground in our rohe, and don't want mining companies to come and have opencast mines in our area. We're interested in a different sort of future, a 'degrowth' if you will, a just and different sort of future, one where we have a flourishing and abundant taiao, where we're in good relationship with each other, tangata whenua, tangata Tiriti and Papatūānuku. That vision doesn't include encouragement for foreign direct investment or capital flows or open cast mines.

The other really clear example that we've had, and I think the loophole on this has only been closed recently, is this intentional mechanism that was set up to encourage foreign direct investment in forestry. We know the government wanted the planting, the afforestation of a whole lot of large tracts of land in the country. So, they created a mechanism to enable and encourage foreign direct investment, and I know Wayne Mulligan will be keen on those pine trees, but it means that fund managers, financiers, those pension funds from other countries, came and invested and bought huge areas of our land, and then put it into pines to get the carbon credits. In many ways they use the same extractive process as mining companies, take all of that profit offshore, which means for us as hapū and iwi, the price of the land has suddenly skyrocketed. There's no employment in the economy, except perhaps the chemical things that Wayne Mulligan is involved in but, not in the local economy, and you've got this extractive process. That's all about encouraging foreign direct investment, seeing that it's a particular sort of investment that they are after and particular sort of development.

When you asked what our vision was, well, if it is this flourishing, abundant taiao, with good relationships, that comes from somewhere else- a Māori worldview. That means we need to foster our relationships in good faith, resourcing our rangatiratanga sphere, supporting those renewable activities, energy activities that might be smaller scale, our cooperatives, not necessarily capitalist forms. That's the 'other possible world' and I think that counterbalances the climate crisis we're in. And the global economy is in this crisis and has been part of producing the dire straits we're in. We can't keep repeating that. Building up this other way of being I think, is definitely the answer.

Jason Mika

I think we're getting close to the end of our panel. Five minutes. So, I just wanted to ask, the kaupapa of this conference is advancing aspirations for Indigenous

self-determination, and wellbeing and can CPTPP help?. So, I just wanted to ask for your views on that statement and where we are at in relation to that sort of question, and where we need to be and what we can do to get there?

Risa Schwartz

I think, with if CPTPP can get closer, when it comes to the work that IPECTA has done. CPTPP was signed, I'd now call it an old agreement, it's like the NAFTA beforehand, and there are there are some provisions in there that are useful. Certainly, set aside some talked about procurements, it's very important for First Nations and other Indigenous businesses in Canada. There are some definitely useful provisions, and there's some environmental provisions that are useful, but it needs I think, to be brought forward into the sphere we're talking about now with Indigenous trade. I think we need to start looking at what's in IPECTA and how we get that in the CPTPP if we're having reviews, but mainly a general exception, I think is definitely missing to cover all Indigenous peoples not just Māori, and also elevate the general exceptions so they're stronger and gets rid of the problems of the Waitangi tribunal. I've definitely spoken about ISDS, I don't think it belongs in the CPTPP. I don't think ISDS belongs in any agreement that wants to be inclusive. So, I think the review is there, but certainly when you're talking about what has it done—I think we heard that this morning from Vangelis—it's very impressive with getting rid of the tariffs. I don't think getting rid of tariffs is the problem. That's definitely the positive. It's the other chapters that need to have the same sort of ambition. With the economic prosperity that's being brought to businesses is great, but you're leaving out the other areas, which is the participation in decision making. What do Indigenous peoples want themselves in the agreement? Giving them a space within the agreement? Hopefully, as discussed, change it to make it work more for them, it may not be perfect, but maybe that's something that can happen as well.

Maria Bargh

You could look at making the CPTPP compliant with UNDRIP, as John Borrows has suggested in other places, and see how that would set those minimum standards for Indigenous rights into it. I think the other part of it is resourcing the rangatiratanga sphere so that we can have this more equitable engagement, not in the drip-feeding resources way. There are some Māori scholars, Matt Scobie being one of them, doing research on what does resourcing rangatiratanga at a more fundamental level look like? Rather than just receiving grants in an ad hoc kind of way? I think that enables a better Te Tiriti-led relationship.

Maria Bargh

Well, he has actually, he's been looking at levies. He's from Ngāi Tahu, and Ngāi Tahu have apparently been looking at Canada and the First Nations tax authorities that they have there. Sharing resources at a more fundamental level, and we know the

Kāwanatanga has assumed the right to tax everyone and extract the resources and monopolise them, but actually, if they're shared at a more fundamental level, I think that's quite key to a Tiriti relationship with the rangatiratanga sphere of political authority.

Jason Mika

Well, I just want to thank you both for your amazing contribution to this whole work over many years but also for today. We have just been blessed with your presence and your whakaaro. Thank you very much on behalf of the conference.



Image from Te Kāhui a Kiwa, conference, day two.



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view the video

Enabling inter-Indigenous trade

Moderator: Jason Mika, Associate Professor, Te Kotahi Research Institute

Speakers: Wayne Mulligan, CEO, Fomana Capital

Julie Paama-Pengelly, Trustee, Te Tuhi Mareikura Trust

Peter-Lucas Jones, CEO, Te Hiku Media

Jason Mika

Kia ora tātou, welcome back. It's my pleasure to be moderating this final panel for our conference. We're really blessed to have some amazing speakers join us this afternoon. So today, we're just really blessed to have you all here today. What I'm going to do is just basically invite each of you to briefly introduce yourselves and tell us a little bit about who you are, where you come from, how you came to be in the Indigenous trade or Māori business and trade sector. If you like offer some thoughts on sort of Indigenous trade and where we're at with it and where we're heading to.

Peter-Lucas Jones

Kia ora tātou, Ko Peter Lucas Jones tōku ingoa. Nō te Aupouri Ngāi Takoto, Te Rarawa me Ngāti Kahu ahau. Tuatahi e mihi ana ahau ki te mana i te whenua e whakaaro ana ahau ki te Kāhui Ariki. Me mihi hoki ahau ki te Kingi Māori nōna tēnei wahi me ngā whakahaeretanga e pā ana ki ngā hou kainga, me ngā wā kainga o tēnei takiwā. E mihi ana ahau i te Reo Irirangi Māori. Ko au te kaiwhakahaere o Te Reo Irirangi o te Hiko o te Ika. Kei roto hoki ahau i te Kāhui o ngā kaitiaki o Te Runanga i roto o te Aupouri. Ko taku tūranga i reira ko te heamana o tērā o tātou Runanga. Nō reira tēnei ahau ka mihi atu ki a koutou. My name is Peter Lucas Jones, and I come from the very far north. I run our iwi radio station, Te Hiku media, based in Kaitaia. My iwi are Te Aupouri, Ngāi Takoto, Te Rarawa and Ngāti Kahu, I live in a little



Image from Te Kāhui a Kiwa, conference, day two.

place called Taipa, and I went to Awanui Primary School, which, of course, is in an area of Aotearoa that has more than 70% Māori population. So, when you think of the very far north that looks and feels very different to many other places in Aotearoa, and when I think about those differences, those differences also draw my attention to what makes us unique, and our expression of our identity. As whānau, hapū and iwi, we're very



Image from Te Kāhui a Kiwa, conference, day two.

closely connected, and the ways that we think, which of course are Māori ways of thinking and connected to our involvement with marae, which there are 47 marae in our iwi radio broadcasting area. When you think of Te Hiko o Te Ika and all those marae, we are reminded that marae are often the centre of our communities, and how the experiences on our marae, are often our first business experiences. We are trained in the rules of meetings, from a very young age. We are trained around how to participate on boards, from a very young age, and just being Māori is a political statement in itself. The fact that we survive and speak our language and promote and develop ways to encourage the intergenerational transmission of our language and culture is a business in itself.

I often think about the unsung heroes when I think about the business that I'm involved in. The business that I'm involved in, of course, is Māori language broadcasting, and iwi radio was the tuakana, or the senior, of all the different siblings that make up the Māori broadcasting family. That whānau of Māori broadcasting includes 21 iwi radio stations, it includes Māori Television, Whakaata Māori, and it includes the family or whānau of Māori production companies that create content. When we think about content, I'm talking about digital content. So our journey over the last 30 years as an iwi radio station, it serves as a monument to those that fought hard and continue to fight hard in the critical Māori rights movement. I hark back to the 1970s, to the 1990s. Our iwi radio station was established in 1991. There were those that were earlier than us. The vision of our old people was to ensure that our language was not just an academic experience, but it continued to be a method of communication. So that as part of the value and

principal lineage that we carry in the work that we do. Today, we have a huge archive of Māori language stories that we have captured over the last 30 years, talking to our kuia and kaumatua, capturing stories about every maunga, every awa, everyone. We use every opportunity to encourage people to talk, i roto i te reo o te kainga. He

mea anō te kapo i ngā kōrero a te hau kāinga i roto i te reo e kawea ana i roto i te kauta, i roto i ngā wāhi e mahi ana te hunga e kōrero ana i te reo. For us that was really working closely with the older people.

Now, we're working live video streaming, manu kōrero, recorded over four days last week. What is that? That's a digital asset. Who does it belong to? It belongs to the whānau, hapū and iwi. Digital real estate is what we concentrate on now developing. We run a data science project, we were awarded \$14 million to teach computers how to speak Māori, hei whakaako i te reo rorohiko ki te kōrero i te reo Māori. We've created speech to text technology that works at a 10% error rate, first of its kind in the world, lead from Kaitia—known by Pākehā people as the murder capital of New Zealand.

I think we have to flip the script sometimes, because every opportunity to tell our story must be told by us. We're now creating synthetic voices, text to speech in te reo Māori, corpus gathering. We know how to do it. Often people ask us, 'where's your Pākehā hiding in the back room doing all the work?' Well, I'll tell you what, we are not just the Māori language speakers, and mātauranga Māori experts. We are the scientists, the data scientists.

I just want to come back to mention the Kahao fund. Because as part of my introductory comments, I want to acknowledge that it was the Kahao fund that, of course, as part of the spectrum claim, that was an allocation of \$30 million that was invested into Māori Digital entrepreneurship, creating high value jobs for our people. I come from a place where it's quite different to Remuera or something like that. But we pay the highest rates, of course, Remuera pay less rates than us, but that's another kōrero. It's all about power and privilege as well. Kahao had the foresight to invest in us—we got \$250,000 to create the first ever speech to text system for te reo Māori, and we did that because other Māori people believed in us. Other Māori people gave us a chance. Other Māori people created a space for us to fail and learn from our mistakes and do better the next day. That's what brought me here today because if we can't back our own, who's gonna back us? Kia ora mai ana tātou.

Jason Mika

Julie, if we could move to you and if you could introduce yourself?

Julie Paama-Pengelly

Kia ora koutou, aku mihi ki a koutou katoa. Ko Julie Paama-Pengelly tōku ingoa. Nō Tauranga-Moana. Ko Ngāi Te Rangi tōku iwi. Ko Ngāti Whiwhia, Ngāti Tauti, Ngāti Tahi ōku hapū. Ka nui aku mihi ki a koutou katoa. I'm really happy to be following a conversation about te reo revitalisation, because I operate in Ngā Toi Māori space. Just to give a little bit of background to that space, where I've been the most active is in the initial revival of skin marking or Tā Moko. As the only wāhine that worked in that space, so many years ago—over 30 years ago, there were significant challenges, and I just want

to acknowledge Annette Sykes for saying that you will never give up the fight. Because now I can look back and I can look at what the work has actually contributed to in that space. So, even though being Māori means doing extra work, revival means extra work, continually fighting that battle line means extra work, we do it for our legacy. I'd like to acknowledge Moana Jackson in that way as well. As I walked into the foyer, I'm reminded that we're in an art gallery as well. Emere Karaka has been at the forefront of that large contemporary art movement. I'm actually a child of that movement, in a sense. These people were my mentors.

Creative NZ just released a report today, talking about how they track the media and 2021 to 2022. It was good to see that key infiltrators in the system featured highly in terms of media. I think Elizabeth Ellis—who worked for CNZ for years, who's worked like a zealot in that space—instigated Wairua Art Gallery, a Māori art gallery, up north. She rated as maybe the fourth most important person in the art media in general. So, I don't want to draw away from what's actually happening in that mainstream space, but what I want to do is talk about how important it is, and how we've been maintaining our sovereignty, as Māori artists, as Māori, in the art space, through our Indigenous interactions.

I became interested in the plight of Indigenous peoples and our connection, when I was actually a student, and I was stupid, and I got a free trip to Fiji during the coup. Of course, students like to party, so that was, you know, that was the focus. But when I got there and I saw firsthand the tourism, and secondly the front line of colonisation, where impoverished families were paying \$4 for a bottle of Coke, instead of growing their traditional foods. I sat in the lap of one of the elders in Fiji, and I suddenly realised why, you know, art mattered so much, and why our relationship with Moana Nui a Kiwa is so important. That's the relationship that I've tracked, right, throughout my career as an educationalist, heading an art school teaching Moana Nui a Kiwa papers, throughout universities, and finally, within my own interpersonal relationships. I've been lucky enough to be on Creative New Zealand delegations to the South Pacific numerous times, I think it's Hawaii 2024, they're massively important as agents of trade and relationships.

So, I'm a business owner. I sit really uncomfortably in that. I looked at the other sort of bios, and they said, 'CEO'. I remember having to talk to some business owners, to Māori business owners and track why I actually entered business. Why I entered business for myself is I spoke to a Māori woman who had a humble shop and I said to her, 'why are you in business?' She said, 'I have my own autonomy. I can employ my family. I'm responsible for my own success and failure, and I can give primacy to Māori things'. I thought, well, that sounds cool. Since education just kept dealing to Māori, and the restructuring, and everything else seemed to not contribute to mana motuhake for Māori in that space. I thought I'm going to open a business. It was probably the silliest thing I did, but when I look back over 12 years in business, I run a studio, and that studio, I have maybe 13 practitioners of different art forms. In the back of that studio, we've activated Te Tuhi Mareikura Trust, which is what I'm here to talk about today.

The great thing about Māori in a business space, is understanding that we're different

in that space. What I enjoy about that space is I can apprentice, I can apprentice artists, I can influence young people, I can embrace them when other people can't. I don't have a formal qualification for entry or exit. What they do is they enter a Māori world, for what I present to the world, it's an inviting space. They don't realise—and I think contemporary art works in this form as well—that they're entering a space that is Māori. I think that's our active engagement in that way, as one of the ways that we've learned to activate our mana motuhake as Māori. I'm not a good businessperson, I don't make any money. The reason I don't make any money is because Te Tuhi Mareikura Trust was formed in 2015. I give my energy to that. One of the things about working as a Māori trying to push a legacy is that all that creative work, I would challenge you to say, is happening outside those things that are funded. Outside those things that are getting this great million-dollar purse, all that energy and creativity is happening anyway. We've got all these other challenges, and Maria referred to it before, is we are wading through all this other shit, just to do what we're naturally good at doing.

So, the Trust has a regional, local, national and international strategy. The strategy that we're most proud of is our international one. Because the reason we work in the inter-Indigenous space is whakapapa. It's plain and simple. Even if we track all the way back to Alaska, to America, we all have a whakapapa to the whenua, and to the sky, and to everything in between. That's the commonality that even though we have many differences, that our Indigenous people share with us. If we go more directly, our navigators have taught us that we share common ancestry all throughout the Pacific, right around the Pacific Rim, and in and out of all the mainland's. That whakapapa, when we're struggling as Māori here, if you've ever sat in a pan-Indigenous forum you feel like you've reached home. There's a different level of comfort. That inter-Indigenous relationship has pre-existed any talk about trade, any formal talks about trade. I like to take my hat off to CNZ because they've done a lot of work in the space. But there's a lot of unmeasurable, that are happening. Even the contribution of art to the space is not measurable in a way that sits easily with statistics.

The other point that I want to make is that, throughout history, the Western definition of art—while we've leveraged really hard to be acknowledged as creators, ongoing creators of art, in digital spaces and new media, and everything that involves the tendency for forces to put us into boxes like CNZ, or sometimes its heritage, or sometimes it's trade—doesn't work for our definition of art. This is where the challenge of language comes in. I challenge you to think about where we were, before we had a written language. Before we were colonised and history was written down, our art served as way more than something pretty. It always moved with the people. It was a device for us to communicate with each other, our histories to our atua, to our whenua, to our rangi. It helped us transmit everything, and if you put it in the box of the Western definition of art, and then you go, 'what are we trading?' Then you've limited what the actual benefits are.

Julie Paama-Pengelly

I just played that video as a bit of an introduction to one of our international profiles as a trust. Te Tuhi Mareikura has been doing international delegations for maybe 10 years, preceding when we actually became a trust. In 2018, we visited Tahiti as a delegation of 30 artists revolving around the skin marking. One of the important things about skin marking is you can't separate it from the people, unlike a piece of art. What Te Māori taught everybody is where our art moves is where our people move. Because it's about communicating our values, our spirituality, everything. It's activated. So, we went to Tahiti and we explored that whole origin story and our relationship with Tahiti and Taputapuātea. We came back and the feedback from all the Indigenous people that were attending there—and we took artists, as well as moko artists—was that they looked to Aotearoa. They looked Aotearoa for how they handle the revival, in many ways: language, toi, etc. We decided that we were going to host an international Indigenous moko festival. This is about the development of Mataatua, Ngāi Te Rangi, Ngāti Te Ranginui, Ngāti Pukenga arts. This is about our development, we're in iwi driven development space. In 2018, we had three months to organise it, we had \$3,000, and we had 16 Indigenous nations presented. We turned on a 10-day wānanga and festival. In our model and this particular festival, we modelled partially on a tattoo festival, because we wanted to create an Indigenous space in the tattoo festival and say to the festival: stop touching our taonga, this is what it looks like in an Indigenous context.

So, what you see in that video is some of the things that happened in both spaces. But we also acknowledged that Indigenous people are not tourists. They want to be welcomed by the Indigenous but learn more about us than just visitors learn. We embrace the marae as a safe forum for just us as Indigenous people to share everything else that goes with our toi. The breakdown in that: we offered it for two years—that was 2020, that was our second year which we ran on 8000—and the breakdown is that the festival organisers—we just about boycotted it on the last day—wanted us to pay for everything. They wanted us to step up and do all those performances and all those things, while they paid everyone else from all around the world to fly in and they didn't value what they got. They started being aggressive towards some of our practitioners and their wider art space and what they could put there. Yet we were clearly the drawcard. Interestingly enough, we voted not to boycott it because that would not uphold our mana, but to no longer go down that mainstream route. Now this year we'll be in our second year of iteration as doing the whole festival ourselves. What I just want to gather from that is that it's really important that if you want to help us into Indigenous trade is that you allow us to do it, that you don't tell us to be that voice on behalf of you, that you allow us to be that voice on behalf of you. The other way round. Because the benefits that you could be having are exponential. These relations are reciprocal, we've had artists go over there and lead things. We've got exhibitions over in Vancouver next year. This is the real value of what we bring to that space as artists. In terms of what you can do for that space, you can support things like Toi Iho, where we actually hit the business space, we put the brakes on and we go, 'No, this is authentic and that's not'. Where can you help us in that trade space? You can fund us in

a way that is mana enhancing. When Creative New Zealand says, ‘Oh, you don’t have a track record’— and I’m not talking about myself—oh you don’t have a track record, our markers of successes, and it’s like, you go to our communities, and you ask about the track record. We’ve done this for eight years on nothing. So, go to our communities, see us in our communities, and then tell us about track record.

I just went to the Toi Ora conference, so I’m fresh on the arts, national thinking is for Māori on the arts. The key things that came out of it is that we have been upholding Māori sovereignty and Ngā Toi Māori for a long, long time, and we continue to do it despite our lack of help. If you want to help us, you’re either on the journey or you’re not. We’re going to keep on doing it anyway because what’s at stake here is our legacy.

Once again, I’m drawn back to Annette and I’m drawn back to the speakers of the previous day and I would say to you, if you’re going to support then it has to start at the relationship level. That’s what Ngā Toki Whakarururanga does. You’ve got all the heavyweights there, why would you go and replicate those structures? Give the chance for Māori to have mana motuhake over that.

Wayne Mulligan

Kia ora tātou. Te mea tuatahi kei te mihi ana ahau ki te Kiingitanga a Tuheitia Potatau Te Wherowhero me tōna hoa Rangatira me te whānau whānui o te whānau a Paki tae atu ki Waikato, Waikato Tainui tae noa ki tēnei whenua a tātou e tu ake nei. Nō reira tēnā tātou. Tēnā tātou ngā kaiwhakahaere o tēnei kaupapa. He kaupapa whakahirahira. E pai hoki i ngā kōrero kua puta mai. Ko wai ahau. Ko Wayne Tamarangi Mulligan ahau. He uri ahau nō Ngāti Maniapoto, he uri ahau nō Taranaki ara ko ngā mahanga Tairi tae atu ki Te Whanganui a Taranaki, Te Atiawa, Taranaki whānui tu atu ki Te Tau Ihu, Te Ati Awa, Ngāti Rarua. Nō reira tēnā tātou. My philosophy on life is why join the merchant navy when you can be a pirate. I got that from my whanaunga down here. The brutal reality is I like doing things differently, and everybody has tino rangatiratanga. I’ve got five sisters, so I know that I hear it every day.

On a serious note, I was at the Free Trade signing agreement between New Zealand and China. I was at the Free Trade Agreement for ASEAN and when it was signed in Bangkok. I’ve been trading for 20 something years. I’m a proud person because there’s one thing I dislike, and that is poverty. I’m sick and tired of Māori people, Polynesian people having incomes less than 20,000 or 20 odd thousand. Those household capacity annoys me. It annoys me when we talk, and we don’t do something. We’ve never had more capital than we’ve ever had before, and we’re applying it to elements that are not generating real strong wealth. If wealth annoys you, then I’m an Irish Māori, it’s the Irish of me annoying you. I’ve invested in lots of science and technology, not because I’m a scientist, or because I’m a technologist. I did study at university, very poorly. I was the guy looking for 51%. I’m very productive. I did my master’s in systems thinking and complexity. So, I love that when people say, I don’t get what you’re doing, I go, ‘Well, it’s good, that’s one less competitor I have’.

I’m going to give you an example, I take kiwifruit that is not exported, and I convert it into a globally recognised prebiotic that won the global prebiotic of the year. I’ve learned the gut; brain access is really important. Your gut and your brain are where all your microbes are, We are walking bacteria and carbon. So I was investing in gut health years ago, and everyone says, ‘Oh, so you’re trying to make everyone to have a tiko’. The reality is it you have to understand—just like the Earth, and everyone talks about environment, and all that—that our bodies are the same as Earth, we’re made up of microbiomes and bacteria. We have got to be able to understand those sorts of things—things that can nourish them. I invested in a berry and built a berry company that converts berry into a lung health, it breaks micro fraction that builds up in your lungs to help you breathe. We did that because we’re sitting in China, in Beijing, and we go, ‘shit, this is pretty bad, and why can’t we do this?’ That’s my mindset. I go, why can’t we do this? Why can’t we do this? We have all this research done and CRI in universities. Let’s just go and grab it and commercialise it. When they tell me all they want the IP, I said, ‘there is no IP until it’s intelligently positioned’—that’s what IP is in market, all you’ve got something sitting in a cupboard, creating no value, which you’ve spent money on. And then you’re chasing the next funding.

So, that’s another thing we’re taking feijoa and we’re doing a feijoa play on helping with diabetes. Lowering glycaemic index. That’s a challenge for me because I also invested in another plant base food with 13 other Māori, and we didn’t need to go to our iwis and all that, we just put our money in and said, ‘Let’s just do this’, to create a food formulation out of plant base to lower glycaemic index. We were going to do a large 2000 clinical trial in China and about a 500 human clinical trial in Singapore. COVID came, but at least we did it.

I’m just trying to give you a picture. We’ve taken kānuka honey and let everybody cannibalise themselves about mānuka. We tried to help protect mānuka about 15 years ago. So, you need to protect this, but they’re all going UMF this and plus that and plus this. You’re going to confuse the market. You’re going to confuse the market with all these different categories.

We’ve done the clinical trials on killing bugs. So, rosacea, cold sore—we went head-to-head with the Zovirax. If we’re going to be big, let’s go head-to-head with Zovirax. Why Zovirax? Because it was coming off patent. Why? Why was that important? Because I don’t know any CEOs or CFOs that want to get cannibalised, because once it comes off patent, the patents out there, and then you’re seeing all these new cold sores creams called ‘Zoviron’ and all these sorts of things. It’s just a copy. I said, you’ve invested in this brand, why don’t we give you a natural product brand, that is clinically evidenced, that’s been done here and peer review by the Mayo Clinic. Why did we choose the Mayo Clinic? Because we’re focusing on the pharmaceutical market. We’re not focusing on the food market. That’s the way I see things.

Now I’m really clever because I used to pick pinecones in the Wairarapa where I grew up in Featherston and sell them. I’m now converting *Pinus Radiata* back into its molecular chemistry. Why am I doing that? Because if we’re serious about reducing plastics, fossil

use and petroleum, then have a look at the resources we can scale in New Zealand. Do we like *Pinus radiata*? Not really, but it's going to be here for the next 70 years and 40% of it is wasted per annum in the whole process. Then you got the woodchips. What are we doing with the woodchips? What are we doing with the cardboard? We reconvert those back into chemistry. So, one month ago, I signed an agreement with a Japanese company to help them build bio solvents. They are a global refining company in the automobile, the EV batteries, and the semiconductor market. If you don't know what the semiconductor market is, then just check out your phone, your laptops, and what drives all those sorts.

For me, I focus on from the input, where can I get the maximum return for my team, so we can do more business. So a lot of might sell for about \$120 or \$100NZD, roughly a ton, a cubic meter. You start working into the chemistry, you're around \$5000, \$10,000. Yes, it costs a lot of money to build the infrastructure and all that. That's my next goal, is to go out to the global capital and raise the money to pitch in because here's my secret: I'm selling them. Nature's solutions grow here, in Aotearoa.

I have a dream that New Zealand and Asia Pacific will be the home of green innovation. I have a dream that more Māori and Pacific Island kids will become those data scientists, those analytic drivers, proud of who they are, and know that we are helping the world move from a fossil base to petroleum base. I'm dumb enough to give it a go. Will I succeed? I think so. Because the international markets I'm working with have told me.

The final point I would make with this is grab your cell phone. Just grab your cell phone. That cell phone has got printed circuit boards; it's got materials and chemicals driven by energy. I'm negotiating a deal with the company that creates the bio adhesives that holds that thing together. I reach across the table in discussions in Taiwan and Japan with my clever scientists and these guys say, 'This is the chemical schedule we want you to make Wayne, from the biochemicals'. I say 'yeah, yeah'. Of course, I can say yes, because I don't understand it. Of course, I'm going to say yes, What I do know is that we've built the chemical building blocks to make these things happen, then it becomes an issue of timing and investment to make it happen.

So koirā te whakaaro o tēnei tangata te uri o Te Raukura me te waka o Tainui. He mihi kau ana ki a koutou e whakarongo mai nei i roto i te kaupapa whakahirahira, but let's be proud to be Māori, and let's be proud that we can help our kids and our grandkids get a better future. Living on commodities, and statements, and reports does not put an extra dollar in their back pocket, in their household. Kia ora tātou.

Peter-Lucas Jones

Kia ora tātou. There's a question here and I do want to respond to it. How do trade agreements and trade policy enable inter-Indigenous trade? I'm not going to sit here and pretend that it does. Because illegitimate laws created by an illegitimate government are never created to enable Indigenous people in any way, shape or form. Let's wake up to that straightaway. I say that because some of these questions draw our attention

to the work that we do. The work that we do is often associated with challenging the power, privilege and control that is associated with the patterns of thinking that are connected to whiteness. When we think about Aotearoa and what that means in policy development, and discretionary decision making, those agreements aren't set up for us. Those agreements were never set up for us. So, I think we need to be sure that we are leading.

Now the kaupapa Te Reo Irirangi o te Hiku o Te Ika, we understand intimately that data is the new gold. Data is the new gold. Now there is no data science project without the data. Why did we achieve something that nobody else had achieved? AI, machine learning, teaching computers to convert Māori language speech to text. Text, converting it to speech, taking into account all that intimate knowledge of our hau kainga, about te reo Māori. Why did we do that? Not just because we can. But because we must, and we will.

Māori kaupapa must be led by our people. It must be led by our people, and we must be an example to others in our community. Because together, we rise. Together, we rise. When I think about that, it's really important for us to remember Pākehā advantage. In all of this, Pākehā advantage needs to be talked about. What is Creative Commons? As a license? What is it? What is open-source technology? And why do we, as Te Hiku Media not contribute all and sundry, in terms of our API's, our development and our technologies, to open-source platforms? We've created many digital platforms. In fact, we saved every dollar that we could. We were going to build a beautiful whare like this. But then we realised that 86% of our people don't live in our hau kainga where I live. In fact, they are citizens of the world, The closest they get to home is a screensaver, either on their phone, or on their computer. So how do we digitally connect our people that have been alienated from language, culture, and our land, and our moana, all of that sort of stuff? We've decided to put those dollars into creating a digital whare kōrero. Now pull your phone out whānau, and I want you to go to the Google Store, the Android whatever, if you've got an Apple and search for the Whare Kōrero. Do it now whānau, while I'm talking, do it now. Because the Whare Kōrero has access to the 21 iwi radio stations. We invested \$400,000 in the development of that app. We won—Te Hiku Media—won Best Open-Source Technology Award in a business in Aotearoa. Not a Māori award. Up against the Pākehās. We go and win their award and just remind them. We remind them.

Now I want to tell you something—and download that—the next one we created is the Rongo app, that's about pronunciation, and restoring native sound. I'm talking about the difference between a mownga and a maunga. I'm talking about how to increase our proficiency in Māori language. Now pronunciation is so important, and it's alright to give it a go. I encourage everyone to give our reo a go. But the idea is to improve, and so the Rongo app. That's R-O-N-G-O, Rongo. Kua rongo koe, kua rongo tātou. At the end of the day, pronunciation is so important. Why? Because pronunciation, if it's poor, it obscures the meaning that we are trying to communicate. We must support one another in improving our pronunciation. When a non-Māori person makes the effort to pronounce Māori words properly, what does that tell me? That tells me that that person has a

respect for te reo Māori. If they have respect for the Māori language, then perhaps they might grow a respect for the Māori culture. If they have a respect for the Māori culture, perhaps they may grow a respect for the Māori people.

We're on a mission here, whānau. None of these agreements are here to support us do our mahi. They may at times be levers that we can pull, but let's not pretend that they're more than that. Now, I've been invited to go and talk at this conference about Creative Commons over in Mexico in October. I said 'oh, I want to taihoa, I've got my relations, they want to come too.' There are quite a few of us from the far north. We like this this hui, it sounds wonderful.

The moral of the story is we do things differently. So, we've developed our own data license. It's called the kaitiakitanga license. It's about putting into text our practice that we've been doing for 10,000 years. It comes back to our values and principles. Our values and our principles, our tikanga. The first rule is do no harm. So, all our technologies, are not allowed to be used for surveillance. They're not allowed to track our people. We have a whole different approach to licensing our software, licensing our API's, licensing our speech technology. Why? Because my father went to school and almost had the language beaten out of him, and so too, did his 18 siblings. But our grandmother, bless her soul, he wāhine kōrero i te reo Māori tera tana reo tuatahi. Na reira i roto i to mātou hau kainga kei reira anō ētahi o ngā whānau e mau tonu ana i te reo Māori. That has been a special gift. I think about those old ladies, our grandmothers and our kuia because they had values, and they had principles. We've been trying to bring those values and principles into our data license agreement, which we have yet to launch. But open-source technology is great for white people. It's great for Pākehā because Pākehā have had the opportunity to learn and to be educated in how to use those tools. I don't know how many people walking down the street in Kaitia know how to use open-source technology. What I mean is we are part of a pathway. We have to create high value jobs for our people, and we're going to have to ask non-Māori to de-occupy that space so it can be populated by those that have a right to be there. Kia ora tātou.

Jason Mika

Kia ora tātou. We're actually out of time. I just want to ask us all to please thank our wonderful panellists for the contribution today.



Image from Te Kāhui a Kiwa,
conference, day one.



Scan here to
view the video

Plenary session

Speakers: Jason Mika, Associate Professor, Te Kotahi Research Institute
Maui Solomon, Lawyer, Ngā Toki Whakarururanga
Ngahiwi Tomoana, Chair, Te Hurumanu
Pahia Turia, Master of Ceremony

Pahia Turia

So, this, the session really is an opportunity for us to have a conversation and reflect upon some of those real gems that have come about as a result of the conversations that we've had. I really hope that you all enjoyed the workshops and had the opportunity to have input into where you see the space moving for us. So again, thank you all for your participation. Thank you to our facilitators for your money as well. I'm going to flick this conversation over here, and I'm going to start with you, Maui, you talked to me before about the particular themes that you'd seen that come about as a result of the conversation, let's start off there.



Image from Te Kāhui a Kiwa, conference, day two.

Maui Solomon

Kia ora Pahia. So firstly, I'd like to just say that listening to the speakers today, and yesterday, especially those young Māori and other Indigenous speakers has been really inspiring. I think our future is in good hands.

I’m just picking out what I saw as some themes to emerge over the last couple of days. One of them is, it’s clear that Māori are out there doing it anyway, that they’re really active, that they’re in that business and that trade space. But it’s not just all about making money, there’s actually another dimension to it. That’s the dimension that’s missing, and that’s certainly the dimension that Ngā Toki Whakarururanga wants to help push that particular kaupapa more. Māori are some of the world’s most active entrepreneurs, I think that’s pretty well known. So, I think that’s something to be celebrated.

Another theme that emerged is that the rules of the free trade and international trade are skewed against Indigenous people. That needs to change. It’s skewed in favour of large corporations. As one person described it today, it’s skewed in Favor of predominantly non-Indigenous people, let’s face it, white people. It’s also important to inspire rangatahi, to be involved and support them into present and future leadership positions.



Image from Te Kāhui a Kiwa, conference, day two.

Another speaker today, said that Māori and Indigenous values are really a point of difference. That adds a premium and a value that needs to be put out there and developed more.

Another theme to emerge over the last couple of days is to place Papatūānuku and people ahead of profit. At the current time, it’s the other way around. It’s all profit driven.

Another theme is the importance of making space for Māori and other Indigenous peoples in decision making processes, both locally and internationally. That includes within the CPTPP, ITAG, and indeed, all free trade agreements. A speaker today talked about warning us against over focusing on the macro issues and ignoring the micro issues and I think that’s an important point. Because in a forum like this I guess we are discussing more of those macro issues. But a lot of people here are actively engaged. We heard from Wayne Mulligan today and all of the great mahi he’s doing and out there promoting those sorts of business and investment opportunities.

Another theme from yesterday is the importance of kotahitanga, that although we’re all in different waka, and we all might have different aspirations, it’s important that we don’t allow ourselves to be divided, and we continue to keep sailing in the right direction and not throwing stones at one another along the way. Because it’s easy to divide and rule, and we know that that the Crown and colonial institutions have been very good at doing that.

Maui Solomon

Another theme, the need for major transformational change to the philosophy of how trade is being conducted worldwide, because it's resulting in a climate crisis now. We're extracting too many resources from the Earth; we're doing a whole lot of things that are not actually going to be fruitful for future generations. Also, that Indigenous people's philosophy should take a leading role, that Indigenous people should take a leading role, in that transformation.

Just the last one is that there were concerns, especially expressed today by a couple of speakers, over the potential for there to be increased exploitation, under the CPTPP, of natural resources on Indigenous people's lands. I think that was raised by our Canadian Indigenous delegate; I don't think she's here today.

Also, the impact of genetically modified organisms. In New Zealand there are some who want New Zealand to go down that path. We had a speaker warning us against that, because at the end of the day, that's tampering with whakapapa. We do that at our own risk and peril. That's all I'm going to say for now. Thank you.

Ngahiwi Tomoana

Kia ora he kōrero e tū atu i ngā kōrero kua kōrerohia. There is no better speech than the speeches that were here today. And the gems that were flying around were like, I was going to say, Russian missiles, but bad metaphor—these one's going to hit the mark. These ones are going to hit the mark, because we heard it from the new generation of explorers in this field, and the brilliance of those. So, I'm just going to refer to a couple of the speeches. First of all, to Pahia here. He still thinks he's a rangatahi, but his children and grandchildren are rangatahi and he doesn't want to be a matua, so he must be a koro. So, koro, kia ora koro. Tūmeke to mahi.

To Maui, we know Maui fished up the Ika-nui-a-Maui. When I went to the Chatham Islands and Maui said, 'Come on, let's go and get some pāua'. I said, okay and put my diving gear on and he walks out with gumboots and the crowbar. I thought jeez he's going to get a big fish this one, but he's done what he's talking about. In his backyard, along his beach front, he's had a rāhui on all the pāua. If you ever want to see a billion pāua, no kidding, go and visit Maui. Because he's done it. A billion pāua left in the water, billion kina everywhere. He's done what everybody else is talking about. So ngā mihi ki a Maui.

Maui Solomon

I was trying to keep that a closely guarded secret.

Pahia Turia

I was sitting here actually wondering if he's got if he's got a billion, he must relate to Shane Jones, a billion trees, a billion pāua. All good.

Ngahiwi Tomoana

So, one of the panellists, Tane, yesterday talked about being Māori brought up, but working with MFAT and then being that career zone. It's a natural hazard for us people working in those areas, we're a natural target from our own people and from the system itself. So, we have got to look after ourselves in there. We have got to look after each other. When you're working in those systems, you're not the bouncer, and you're not iwi negotiator, you do your job, and it keeps you safe. I'm so proud of our people working in those zones because we need the push and pull. Here we are out here pulling. We need people in there pushing. That push and pull influence is important. So that we like to throw brickbats around everywhere, we've got to give bouquets too.

Yesterday, we also heard Tania about procurement. Tania worked right through with Vangelis during the FTA. They worked 24 hours a day and they were constantly ringing back here for some advice. We would just say go harder, go harder, we can't get it anymore, then we've got it. This is where we're used to those odds: go harder, fix later, and things like that. So, I'm in constant contact. We had Tania talk about procurement. I think procurement is going to bring more resources directly into whānau than any other financial device that we could bring up. Because it just mainlines economics, and finance, and business into the home and to the table every day, and we hire our own people. Full support there.

Carrie yesterday they could write a book, they talked like a computer, and I have to get out a dictionary and a thesaurus to find out what some of these words mean. So, Carrie is fearless in front of international and national fora, and she's proudly representing Māori all the way through it.

Then we had India yesterday. She's so fluent in what she's doing. But her grandfather was a colonel in the Māori Battalion. I buried him. I actually buried him, everyone took off because it was raining, it was during the cyclone. So, I saw India take off too. But her grandfather was a bit of a hero too. He wrote down and recorded everything. India's following in those footsteps.

Also, we had our cousin from Hawaii talking about Te Moananui-a-Kiwa, the vast expanse. We were in the Cook Islands last week; they talked about Te Moananui-a-Kiwa. Kiwa to them was not a tīpuna. It's not a name of anything. It's blue. So, they're saying to Te Moananui-a-Kiwa, everything that's blue is ours. The blue ocean, the blue skies, the blue water. So, everything that they talk about belongs to them. They're not isolated pockets and little islands. The blue is their home, the blue is their environment. Something about environment, we heard that environment is not a noun, that taiao is a verb. It's always acting the tai onto ao. So, when you get this current, this constant

movement of the tai and the ao, you get the maramataka dictating us things and we have unlearned a lot of that stuff that we've got to relearn and re position.

Today we had a Vangelis talking this morning. Vangelis comes from Crete in Greece, that has a memory of the Māori battalion and how they were able to work in with the monks, with the villages and supported by the villages, and supported the villages. So that memory of that time makes them unique in the national negotiating space for Aotearoa New Zealand, has its own reo, its own whakaaro, and culture. We should celebrate Vangelis' position in his domain in representing us and the fact that we don't get what we want is not up to him, but up to some other higher sources. Jane, Moana, have got a job to do to get Ngā Toki Whakarururanga more entrenched and more implicit in these systems that Vangelis is creating. So that working together is vital.

We had our whanaunga from Tonga, talking about renewable energy and the fact that we need to work together. That if we did it village by village, we won't get to scale. If we did it house by house, we will never get to scale. We've got to work together as Te Moananui-a-Kiwa.

Then we had Dennis, from our whanaunga from Australia. Their civilisation is 65,000 years old. We're 1000 years old. So, the 64,000 years of sharing we got to catch up on. Sometimes you know, teina tuakana, teina leaves the tuakana, other times tuakana leaves the teina, and those odds are normal to us. Those concepts are normal to us. Teina tuakana, tuahine i runga i te whakaaro pai.

We also had Wayne talking about his passion about business and innovation and goes for 51% and things like that. But it was an inspiration to hear Wayne again, just committed to passion, committed to Māori evolution and Māori Development. Ahakoa te aha, whatever it takes.

Then we had Peter Lucas, talking about the true myth of Ngāpuhi. I said to Peter Lucas, 'Is it true that you go hakarongo, hakaro, haka this, haka that because the missionaries thought you were saying whaka this and whaka that?' He says, 'It's absolutely not true!' But I think it has a reason. But we hear his passion about te reo and is willing to share it with everybody. His matatau ki tērā mōmō mahi, his expertise in there was unimpeachable.

Then we had Julie talking about Toi Iho, and don't forget the artists. Pita Sharples, his mantra was let's build commerce under carpet of culture. Wherever he went he takes some kapa with him, because it was about relationship: culture to culture, before you can do commerce to commerce. Julie reminded me of that strategy and that philosophy.

That was about it. We've had some great discussions in our workshops, and I just congratulated everybody. I thought it was over, all this young, young, dynamic, sort of vibrance and intellect in academia and perspicacity. I thought we were overtaken and would be redundant. So, I fortunately had been part of this workshop and this conference over the last few days to hear the ihurangaranga, the vibrancy amongst the

younger speakers anyway, and so mihi kia koutou i runga i te kōrero anō te pai kia āhua rite te teina tuakana tuahine ngā mihi te nohonga te whakaaro tahi. Tēnā koutou katoa.

Pahia Turia

I don't know if many of you remember the movie Good Will Hunting, but the young guy he was a mastermind and anyway I always remember him being reminded that you might know everything about the Sistine Chapel, but you'll never know what it smells like. I just really wanted to make that comment because for everything that we know, we learned, we do, nothing beats the experience and the exposure that you have had Ngahiwi, in terms of what you've done on behalf of our people over many, many years. You can't buy experience and we're hugely grateful to have had you here to share that experience and to reflect upon the years that you've put into looking at that trade space on behalf of all our iwi. Just want mihi to you for that as well.

I'm going to come over, and I've saved you specially for last, Dr Jason, because you know as a result of all the hard work that you and the team have put in to bring this this hui together, bring all these wonderful people—I've said it before the calibre of kai kōrero that we've had sitting on here on stage. I thought that I'd leave the last word to you. I know it's your reflections, but I suppose the question that I have is do you think we've hit the mark?

Jason Mika

I think we've more than hit the mark, I think we've gone through the mark, and we're creating a new target, and we're on our way. I think the kōrero that I've heard over the last couple of days is 'When is the next hui? Can we do this again?' So, I mentioned that to the funder, and they said, 'Oh, that's a good idea, but we have to think about the pūtea'. I said don't worry about the pūtea, if it's a good idea, we'll find the pūtea.

I think there's nothing more really to be said than other than just to express my thanks to everyone, especially our panellists here, and everyone who's been part of organising this hui, for everyone coming along and sharing their whakaaro, their aroha, and their manaaki to one another. It's just been awesome. So, everyone says, 'Oh, I can't wait to see the report'. I say 'Oh, yeah, me too.' 'So, aren't you writing it?' Yes, but we'll get there. We'll get there. I think it's just been so awesome to be part of the kōrero.

Pahia Turia

Ka pai. Oh, thank you three. Maui

Maui Solomon

At the risk of sounding as if I want to have the last word, I've got a late message from

my sponsor. So, there is a little handout here from Ngā Toki Whakarururanga. It sets out in summary some of the things that we're asking MFAT to look at as part of the review of the CPTPP and ITAG. I invite you to take a copy before you leave. But I just wanted to just round this kōrero off with one set of observations. The title of our hui is advancing Indigenous self-determination and wellbeing through trade and can the CPTPP help. So, that's the title of our hui and not wanting to end on a negative note, but I think it would be fair to summarise the general feeling over the last two days is that it would be difficult to answer that in the positive. I say that because in order for there to be advancing self-determination, and wellbeing, Māori, and the Indigenous voice and presence at the negotiating table would need to be guaranteed. Indigenous people need to be part of the decision-making apparatus, and that needs to happen within free trade agreements.

Secondly, in terms of the CPTPP, there really needs to be a carve out of Indigenous rights, and we heard some of the concerns from some of our Indigenous people that if that doesn't happen, more of their resources are going to be exploited and extracted. Actually, in order to accurately assess wellbeing—how do we assess that? What are we going to do about that? A mechanism needs to be developed, which examines both the negative and the positive aspects of the CPTPP on Māori and other Indigenous peoples. Continuing on that theme, there needs to be work done with experts and kaupapa Māori methodology, and also the Productivity Commission here in New Zealand to develop an appropriate methodology that can assess and measure data, and the implications of the CPTPP for Māori through a te ao Māori lens. So, if we're talking about wellbeing, whose wellbeing are we talking about? And are we assessing that in western capitalist terms or are we assessing it from te ao Māori and Indigenous perspective? The same methodology should happen for how effective are these free trade agreements and these policies on Indigenous peoples? Well, we need the data, and we need the methodology to do that.

I'd finally say, and this is on a really positive note, when I spoke yesterday, I talked about the process that Māori helped to negotiate the IPECTA, the Indigenous Peoples Economic and Trade Cooperation Arrangement within APEC and that has equal representation from Indigenous peoples and state members. We're still to see how that's going to operate in practice, but the process for establishing that was really good. So, certainly Ngā Toki Whakarururanga would like to see a similar process replicated within the CPTPP, ITAG and indeed, right across other free trade agreements that are negotiated and being reviewed. Because that enables us not only to be talking to state parties but talking to other Indigenous peoples within those other nation states. So kia ora tatou, that's all I have to say. Toko menetai me rongō.

Pahia Turia

Kia ora, can we have a round of applause for our panel?

Firstly, MFAT, thank you. Thank you for enabling this opportunity through resourcing

Te Whare Wānanga o Waikato to hold this hui. I think it's important that we acknowledge you for enabling us to bring what I would say is a wonderful group of people together, who have contributed to ensuring that our way forward through this dilemma, if we could call it a dilemma, has been informed by those that will be affected by such agreements. So, I do want to thank you all, thank the ministry, and to also take the opportunity, Jason, to thank you and your team for an amazing job holding this hui. We all turn up to hui, if you've never had to be the host of a hui you probably don't appreciate the amount of time and effort that goes into it, and when I'm getting emails from Jason and his team at two and three o'clock in the morning you certainly realise how much effort goes into being able to host an event like this.

Just before we close with karakia, I want to leave us with a couple of things to think about. In the attempts to have a meeting here, I reflect upon what we do these days, and we look back at historical documents and events that have happened in the time of our ancestors and we ponder the context of that time and the decisions that were made, and what the effects of those decisions have been on us today. Our mokopuna will do the same one day. Our mokopuna will reflect and go 'My tupuna, he went to the hui around free trade agreements in Waikato and as a result of that hui, this was the result, or the impact that they had on that.' So, every single day, when we make decisions, we're making mokopuna decisions.

On the flip side of that, we also try to fulfil the dreams and aspirations that our ancestors left for us as well. We all acknowledge and accept that none of our tūpuna, signed Te Tiriti o Waitangi o Te Waka Putanga to realise the outcomes that we as a people are experiencing today. None of them ever signed us up for that. So, we have an obligation and responsibility to the past, but more so to our future to ensure that what we do today is enduring and is founded on principles that are consistent with our tikanga.

I want to leave you with a poem before I hand you over to Koro Taki to close our hui, author unknown, but the poem was called ancestors. It goes like this:

If you could meet your ancestors all standing in a row, would you be proud of them or not?

Or don't you really know?

Some strange discoveries are made when climbing family trees, and some of them you know, do not particularly please.

If you could meet your ancestors or standing in a row, there may be some of them perhaps you wouldn't care to know.

But here's another question which requires a different view.

If you could meet your tūpuna would they be proud of you?

Nō reira nōku nei te hōnore. It's been a huge privilege of mine to be the MC for this

event. Looking forward to what comes about from this. The ball is in your court. May the force be with you. Nō reira, huri noa, huri noa – tēnā koutou, tēnā koutou katoa.

Tūtira mai ngā iwi, aue

Tātou tātou e

Titiro mai ngā iwi, aue

Tātou tātou e

Whaia te māramatanga

Me te aroha

E ngā iwi

Kia tapatahi

Kia kotahi rā

Tātou tātou e

Tātou tātou e

Pūritia ki a kaha

Tāku rangatira. E kī e Mahinarangi. Te uri o Mahinarangi

Anei a Tūrongo e mihi atu nei ki a koe.

Nau mai ki Waikato, e hoa – good to see you Ngahiwi, ā, me koutou hoki, ngā manuhiri, kua tatū i tēnei rā. I was down at the marae having a meeting about the Coronation, and then I remembered these fellas are paying me big money to come over here to close the hui and the people are going to throw money at me well I’m only here just to close the kaupapa e kare mā. Anybody from overseas among us? Where from? Lovely to see you. Welcome to Aotearoa, welcome to paradise. I’m talking about this place, the University of Waikato. E āku rangatira, kua tūtuki nei te kaupapa me mihi ake ki āku rangatira kua tatū mai nei. Heoi anō, me hoki mai ki te whakakapi te kaupapa i tēnei wā, so that you’ll be all going home safe and sound. Anyway, we’ll make an exception for this time, I hope you enjoy yourself in Waikato, I hope you enjoy yourself here in this place. Nō reira āku rangatira, tēnā koutou, tēnā koutou.

Himene – whakaotinga

Whakaaria mai

Tō ripeka ki au

Tiaho mai

Rā roto i te pō

Kei konā ahau

Titiro atu ai

Ora mate

Hei au koe noho ai

X 2

No reira

Kia tau ki a tātou

Te atawhai o tō tātou Ariki

A Ihu Karaiti



Image from Te Kāhui a Kiwa,
conference, day two.

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Image from Te Kāhui a Kiwa,
conference, 2023

Discussion

Diverse Indigenous perspectives

The conference was notable for its inclusion of diverse Indigenous perspectives. On the one hand, we had speakers who have deep concerns about the inability of current trade policy and agreements to protect Indigenous rights and responsibilities because they prioritise commercial interests over people and Papatūānuku. Others were cautiously but optimistically engaged in trade because of its ability to contribute to Indigenous livelihoods and wellbeing. The importance and difficulty of protecting Indigenous rights and kaitiaki (custodian) responsibilities in international and domestic policy was acknowledged in both perspectives. Speakers also emphasised how trade must and can contribute to Indigenous wellbeing. In this context, Indigenous Peoples’ self-determination in the title of the conference requires respect for and recognition of Indigenous aspirations to engage in trade on their terms and in accordance with our values and world views, to have our rights and responsibilities protected as we see fit, to participate as equals in decisions that affect us, and to achieve wellbeing for ourselves and others through this activity. Rights protection and enablement are

not trade-offs; both are enhanced through Indigenous self-determination.

Role of the CPTPP

Protecting rangatiratanga

determination and wellbeing through trade? The answer was that, by and large, it does not. The primary reason identified by many speakers was the failure of the CPTPP and similar agreements to protect the rangatiratanga (self-determination) and mana (power and authority) of Māori to determine our own future under te Tiriti o Waitangi and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Māori do not need more trade policies and strategies that talk about us without us. Māori and other Indigenous Peoples need to be empowered to provide leadership in the trade space.

Alternative trade model is needed

That leadership should reflect the reality that Indigenous Peoples have been traders for time immemorial, based on Māori values of manaakitanga (generosity) and whanaungatanga (relationships), underpinned by responsibilities of kaitiakitanga (stewardship), and conducted according to tikanga Māori (Māori cultural practices). The CPTPP was not seen to recognise or provide any space for that. Rather, speakers described it as a neoliberal model that enables the commodification and exploitation of that which Māori have a specific duty and responsibility to protect. So, the problem is not just specific parts of the CPTPP, it is the model itself. An alternative trade model that works for Māori needs to strengthen Indigenous-to-Indigenous trade through traditional as well as contemporary forms in addition to enhancing larger scale commercial trade. That should include traditional forms of creativity, such as tā moko (traditional tattoo), food production and seeds, traditional healing, such as rongoā, culturally safe forms of digital technologies, care for te taiao (the environment), and the prevention and responses to climate, pandemic and other emergencies. Speakers called on CPTPP parties to empower and resource Māori to lead on these matters and conduct their own trade delegations, not to pose barriers to doing so and provide token recognition of Māori within a neoliberal model.

Negative impacts of the CPTPP

Several panels also addressed the negative impacts of CPTPP-style free trade agreements on their specific kaupapa, in areas like food sovereignty and genetically modified organisms (GMO)s; the environment and climate crises; the threats of investor-state dispute settlement (ISDS); barriers to social procurement designed to benefit Māori communities, workers and businesses; Māori control over data, open source software and digital media; and constraints on domestic legislation and policy on organics, plants, seeds, and rongoā (traditional healing). We heard that the Treaty of Waitangi exception written into the CPTPP does not provide effective protection against these many

negative impacts and that broader and more effective carveouts promoted by Aotearoa New Zealand in recent agreements, including at the WTO, need to form part of the CPTPP review, and should apply to all Indigenous Peoples.

Indigenous world views offer solutions

The threat posed by the climate crisis was another central theme. The rangatahi especially maintain that Indigenous world views need to be seen as providing the solutions, rather than being treated as exceptions or add-ons. When the impacts of international trade agreements like the CPTPP on Indigenous Peoples’ lands, resources and livelihoods, and on thousands of years of cultures and knowledges are ignored, and our rights, responsibilities, duties and interests are not protected, the parties are not only condemning the future of Indigenous Peoples and our descendants, but the planet as whole. Next generations of Indigenous Peoples, as caretakers of the planet, are being left to live with the crisis being created by the failure of today’s generation to act. Solutions in trade agreements that are based on new technologies serve no purpose when the planet, all its ecosystems and all life that relies on those systems are dying.

A seat at the table

The closing panel made it clear that nothing can change to address these concerns and give effect to te Tiriti o Waitangi unless Māori have an independent seat at the table. That is what the relationship in te Tiriti envisaged and that is what Māori expect to happen – not just for Māori, but for all Indigenous Peoples whose duties, responsibilities, rights and interests are affected by the CPTPP. Maui Solomon also presented number of recommendations from Ngā Toki Whakarururanga input to the ITAG review.

A Way Forward

Options for advancing Indigenous aspirations

After reflecting on the discussions, six steps are suggested to address Indigenous Peoples’ rights and responsibilities, and Indigenous trade, in the CPTPP: (1) the need for a Tiriti-based approach to trade policy; (2) a relational approach to trade facilitation, including Indigenous-to-Indigenous trade; (3) a framework for Indigenous trade policy and negotiations that reflects and advances Indigenous self-determination; (4) capacity building in Māori trade and trade policy and negotiations; and (5) an annual Indigenous trade conference. Each of these ideas is briefly described.

Tiriti-based approach to trade policy

In Aotearoa New Zealand, te Tiriti o Waitangi sets out the constitutional relationship between Māori and the Crown of rangatiratanga and kāwanatanga and the Crown’s

obligation to recognise and protect Māori authority, rights, duties and responsibilities. Relating this to the broad trade arena, Māori have a long history of treaty-making and trading that pre-dates colonial trade and is sourced in Māori values. Te Tiriti o Waitangi guaranteed Māori would continue to exercise control in those spheres. A Tiriti-based approach in the trade arena is, therefore, one in which Māori and the Crown work together as equals, Māori have an independent seat at the negotiating table alongside the Crown, and Māori are properly resourced to do this. The Ngā Toki Whakarururanga mediation agreement and its Tiriti audit framework contain principles that might underpin such an approach. A Tiriti-based approach to trade policy and negotiations is a domestic priority for Aotearoa New Zealand. It is currently a work in progress and, despite goodwill from both Tiriti parties, we are far from achieving this.

A relational approach to trade

A relational approach to trade recognises culture as a foundation for resurgent Indigenous economies, inter-Indigenous trade, and is an integral feature of trade development. This approach reflects Indigenous Peoples' common belief in the relationships between people and the earth. At the heart of the relational approach are concepts of whakapapa (genealogy) and whanaungatanga (relationships) which allow Māori to trace their ancestral origins beyond the tribal milieu to the 7,000-year Austronesian heritage of the Pacific. At the World Expo in Dubai, Te Aratini, an exhibition of Indigenous culture and innovation, showed how a relational approach to trade can generate culturally appropriate and sustainable forms of trade. Indigenous-led trade missions that Te Taumata is working toward are another example of this. The CPTPP economies need to consider how they can support a relational approach to trade. Ngā Toki Whakarururanga, Te Taumata, the National Iwi Chairs Forum, Federation of Māori Authorities, Poutama Trust, and New Zealand Māori Tourism are Māori organisations that are especially engaged in this form of trading.

A partnership council for the CPTPP

At Te Kāhui a Kiwa, there were calls for a partnership-based framework for Indigenous Peoples' representation within the CPTPP alongside the state parties. This would provide for Indigenous Peoples to be involved in the governance of the CPTPP, its implementation, and its outcomes. The Partnership Council of the Indigenous Peoples Economic Cooperation and Trade Arrangement (IPECTA) was mentioned as an example. The Partnership Council comprises representatives of Indigenous Peoples and member economies of IPETCA, currently Australia, Canada, Chinese-Taipei, and Aotearoa New Zealand. Ngā Toki Whakarururanga co-convenor Pita Tipene and Federation of Māori Authorities chairperson Traci Houpapa are co-chairs of Te Rangitūkupu, which along with Manatū Aorere led Aotearoa New Zealand's participation in the IPECTA process. Pūkenga (legal expert) Maui Solomon has also been advising on the Partnership Council's formation. Such an Indigenous partnership requires genuine power sharing and adequate resourcing.

Capacity building for Indigenous trade policy

Capacity building is a means to increase Indigenous knowledge as it pertains to trade policy and the ability for Māori to exercise rangatiratanga in the development, negotiation and implementation of trade policy and agreements. Its scope may also extend to Indigenous trade and investment, as well as professional development for trade officials. Capacity building is essential for succession planning and to support the increasing demand for Māori and Indigenous Peoples for roles in Indigenous enterprise, trade, and development. Models for such an initiative exist elsewhere, including nation-building courses offered by the University of Arizona’s Native Nations Institute, the Dilin Duwa Centre for Indigenous Business Leadership at the University of Melbourne, and the Tulo Centre for Indigenous Economics in Canada. However, there are few if any centres which have Indigenous trade as their primary focus.

An annual conference on Indigenous trade

Te Kāhui a Kiwa highlighted interest in and support for an annual conference to maintain the continuity of relationships, knowledge sharing, and action relating to Indigenous trade and trade agreements that transpired at the University of Waikato. The chair of the CPTPP could assume responsibility for organising such a conference. Te Kāhui a Kiwa worked because it was independently organised with state funding and reflected a breadth of perspectives and participants. A similar arrangement is recommended for future conferences. Indigenous participation from CPTPP parties could, however, have been better. Embedding an Indigenous conference on trade and trade agreements into the CPTPP programme would encourage all parties to support Indigenous participation.

Conclusion

We commend this report to the CPTPP meeting of ministers and invite your consideration of the same. Te Kāhui a Kiwa managed to assemble diverse Indigenous perspectives on Indigenous trade and the CPTPP in a short timeframe. Te Kotahi Research Institute and Te Raupapa Waikato Management School welcomed the chance to work with Ngā Toki Whakarururanga to host this event. We acknowledge and thank Manatū Aorere for their support and funding. We acknowledge and thank ForumPoint2 for their event management and the organising committee chair Natalie Kusabs and her team for thinking about all the things that need to be thought about in events such as this.

Speakers & moderators



Shaun Awatere

BMS MMS PhD

Ngāti Porou

Senior Kairangahau, Manaaki Whenua Landcare Research

Pou Patai Mauri, Ngā Pae o te Māramatanga | New Zealand's Māori Centre of Research Excellence

Shaun has been active supporting Māori manage collective assets in a more sustainable manner consistent with the kaupapa-Māori principles of kaitiakitanga, manaakitanga and whakatipu rawa. He is currently engaged in research and policy to help prepare iwi/hapū Māori for climate change mitigation and adaptation planning. Shaun and a team of Nga Pae o Te Māramatanga researchers have recently summarised the latest research and guidance surrounding observed and projected climate change impacts on whānau/hapū/iwi and Māori business in Aotearoa-New Zealand. This research considers the implications of these changes for diverse interests and investments, and provides commentary about risk and uncertainty, knowledge gaps, and options for climate change mitigation and adaptation.



Professor Maria Bargh

Te Arawa, Ngāti Awa

Maria Bargh is Professor of Politics and Māori Studies at Te Herenga Waka, Victoria University of Wellington.

She has researched and published widely in the area of politics: Māori, local, national and international. She has analysed Māori rights and interests in international trade and foreign policy particularly in relation to questions of sovereignty, environmental protections, climate change and hidden economies.

She has served on a number of governance boards and is Minerals Advisor for her hapū Ngāti Kea/Ngāti Tuara at Horohoro, Rotorua. In 2022 she was appointed Deputy Chair of the Independent Electoral Review Panel.



Kaye-Maree Dunn

Kaiwhakahaere - Director of Making Everything Achievable

Kaye-Maree is the Director of Making Everything Achievable, Ahau NZ Limited, and Indigital Blockchain Limited. She is currently on the Interim Māori Spectrum Trust Board, North Hokianga Development Trust, Āhau Tātai Hono Trust, and is a Sir Edmond Hillary Fellow and a Senior Atlantic Fellow through the University of Melbourne.

She has worked in the realm of Māori and Community development for over 21 years and loves being involved in lifting the transformative capability of whānau, hapū, and iwi to actively contribute to the growth of New Zealand's economic potential.



Professor Dennis Foley

Professor Dennis Foley is from the Cammeraigal clan, he helped establish the research area that is Indigenous Entrepreneurship in Australia some thirty years ago. He has researched and taught extensively in Australia and internationally. Professor Foley is a Fulbright Scholar and dual Endeavour Fellow. His publications focus on social inclusion and the Indigenous cross disciplines including Literature, History, Business Management (Entrepreneurship) and Indigenous Epistemology and Pedagogy. Carrangel Consulting is his trading name you can contact him at dennis.foley@carrangel.com



Dr Nailasikau Halatuituia

Dr Nailasikau Halatuituia is proudly Tongan and passionate about the success of Pacific peoples and the environment. Nailasikau will continue to be based at Palmerston North, Aotearoa New Zealand, he and his family have lived since 2003. He is blessed with his beautiful wife Vaha, and their four children, Toutai, 'Anaseini Tupouveihola, 'Apuanea, and Tu'ameliemeilangi. Nailasikau loves rugby and listening to classic Tongan music, is also hoping to soon take up golf.



Dr Keakaokawai Hemi

Through her mother, Keaka is Kanaka Maoli, Kanaka 'Ōiwi from Na 'Ōhana o Kalama of La'ie Hawai'i. Through her father, she is Cherokee from Bohannon Mountain in Northwest Arkansas...and a few other things. She is a mother, grandmother, educator and researcher.

Keaka was appointed as the first Assistant Vice-Chancellor Pacific at the University of Waikato in February 2019. This role provides strategic leadership for the university's ongoing efforts to improve success for Pacific learners, staff, families and communities through tertiary education. Prior to this, Keaka served as the Associate Dean (Undergraduate) at Te Piringa Faculty of Law. As a law lecturer, Keaka's teaching has included Pacific people and the law, indigenous rights, Te Tiriti o Waitangi, human rights, legal theory, and comparative law. Her research reflects this and explores issues like climate change, health and education that present wicked challenges to notions of equality and non-discrimination. Keaka is especially passionate about building leadership, pathways and success for Pacific and indigenous people through cultural legacies of success and evidence-based approaches. She is currently an author on the MFAT-funded Pacific Ocean and Climate Crisis Assessment (POCCA) project, a comprehensive interdisciplinary project led by Pacific people for Pacific people, in the area of indigenous social ecological resilience. Keaka has also served on the NZ Ministry of Education's NCEA Review Pacific Peoples Panel and as Chair of Universities NZ's Komiti Pasifika. She has been a company director for more than two decades and was recently appointed to the Board of Directors of K'aute Pasifika Trust, a Pacific healthcare provider.



Dr Jessica Hutchings

Ngāi Tahu, Ngāti Huirapa, Gujarati

Dr Jessica Hutchings (Ngāi Tahu, Ngāti Huirapa, Gujarati) is nationally and internationally recognised as a leader in Indigenous food systems and Māori food and soil sovereignty, she is a founding Trustee of the Papawhakaritorito Charitable Trust that works to uplift Māori food and soil sovereignty and Hua Parakore (Māori organics)

through research, development and community practice. She lives on 12 acres and is a Hua Parakore verified family food grower. She has been a member of Te Waka Kai Ora - the Māori Organics Authority for the last two decades.

Jessica is also a widely published author, including recent books, *Te Mahi Oneone Hua Parakore: A Māori Soil Sovereignty and Wellbeing Handbook* (Freerange Press 2020), and *Te Mahi Māra Hua Parakore: A Māori Food Sovereignty Handbook* (Te Tākupu, 2015). Dr Hutchings has been working at the crossroads of Indigenous knowledge, whānau and environmental wellbeing for the last three decades and is passionate about Indigenous social justice, organic farming and self-determination. She was named as a finalist in 2023 for the New Zealander of the year in the Environment category as well as being named one of New Zealand's top 50 influential women in food and drink.

For further information see:

jessicahutchings.org.nz

<https://www.papawhakaritorito.com/>



Chris Insley

Te Whanau a Apanui, Te Whakatohea and Ngāti Porou

BBS Finance, PGradDip Marketing and Logistics, MBA with distinction, PGradDip Business Research, Harvard Business School Exec Program International Finance and Global Strategy. Extensive New Zealand and international business experience and connections across Asia, North America, UK and Europe.

When not working, can't get enough time with two grandsons.



Peter-Lucas Jones

Te Aupōuri, Ngāi Takoto, Te Rarawa, Ngāti Kahu

Peter-Lucas Jones (Te Aupōuri, Ngāi Takoto, Te Rarawa, Ngāti Kahu) is the Chief Executive Officer of Te Hiku Media, Chair of Te Whakaruruhau o Ngā Reo Irirangi Māori, and Chair of Te Rūnanga Nui o Te Aupōuri. He negotiates the responsibility of protecting iwi and Māori data while leading a te reo Māori natural language

processing project called Papa Reo. Peter-Lucas makes daily decisions to advance the sovereignty of Māori data, from the digital tools employed to increase project results to storing data and sharing data in appropriate and secure ways. This experience has seen the development of a Kaitiakitanga License for Te Hiku Media and the Papa Reo Data Science project. The licence provides a framework to guide the use of Māori data in AI and Machine Learning.



Professor Sandra L. Morrison

Tēnā koutou katoa. Nō Te Arawa rāua ko Tainui ahau. Tihei mauri ora.

Sandy's research and professional specialty focuses on adult education, education for sustainability and the application of indigenous models in addressing developmental issues to improve livelihoods for indigenous peoples and peoples of the Pacific.

Sandy is the Past President of ICAE, International Council for Adult Education, and was inducted into the International Adult and Community Education Hall of Fame by the University of Oklahoma in 2009.



India Logan-Riley

Ngāti Kahungunu ki Ngāti Hawea, Rongomaiwahine, Rangitāne

India is the Climate Justice Organiser at ActionStation and a community researcher for the research project, Generation Kāinga. They bring a background in Māori heritage spaces and lived experience of climate injustice to their mahi in a broad range of areas from UN climate negotiations to harakeke roots work on #LandBack kaupapa with rangatahi Māori and Pasifika. India dreams of resilient communities where everyone is safe and joyful.



Hon Nanaia Mahuta

As a mother, and a constituent MP with 20 plus years' experience who has come from 'flax-root' politics, Hon Nanaia Mahuta remains connected to the aspirations of people from all walks of life. Those who work hard for a living so that their children can do better, kaumatua, tradespeople, those who aspire to own their home, those who own small businesses and those who lead a range of services and organisations and huge iwi entities.

During her time in Parliament, Nanaia supported policies and initiatives that built the capacity of communities, especially social service organisations, greater investment in education, employment and training opportunities particularly for young people, supported the continuation of the Treaty settlement process and supported specific initiatives that lift the wellbeing and opportunities for young mums and those who are vulnerable and victims of abuse.

Nanaia is a tribal member of Waikato-Tainui, Ngāti Maniapoto and Ngāti Manu and her parliamentary experience has enabled her to contribute to the collective aspirations of Māori and all New Zealanders.

In the 2020 Labour Government, under Jacinda Ardern’s leadership, Nanaia became the first woman to hold the Foreign Affairs portfolio. She was also Minister of Local Government, and Associate Minister for Māori Development.



Rachel Maidment

Ngāti Kahungunu & Rangitāne o Wairarapa

Rachel served as New Zealand Consul General in Guangzhou from 2016 to 2019, a period of rapid expansion in New Zealand’s relationship with Southern China. During this time she led NZ Inc and supporting agencies and businesses in-market, and oversaw public diplomacy initiatives to strengthen the bilateral relationship.

Prior to this, Rachel served in policy and legal roles at the New Zealand Embassy in Beijing and the New Zealand Commerce and Industry Office in Taipei and was seconded to New York to represent New Zealand at the UN General Assembly.

A fluent Mandarin speaker, Rachel also founded a consultancy which provided services and facilitated business opportunities for New Zealand companies, government agencies and Māori entities in Asia.

Rachel holds a Bachelor of Laws (Hons) and Science from the University of Auckland and studied Mandarin at the Australian Defence Force School of Languages and Taiwan National University.



Moana Maniapoto

Te Arawa, Ngāti Tūwharetoa

An award winning artist, documentary maker & journalist, Moana is a co-convenor of Ngā Toki Whakarururanga

A co-founder of the Māori Music Industry Coalition and the Toi Iho Māori Made Mark, her documentary Guarding the Family Silver was a response to the trademarking of her name by a German company. She gave evidence in Wai262 and was a Wai2252 claimant. In 2016, Moana toured Japan sharing Indigenous concerns around the TPPA



Stella McLean

Kia ora, ko Stella toku ingoa. He uri tenei no Ngāti Tuwharetoa me Waikato Tainui. I am 4th year student at the Univeristy of Waikato doing a bachelor of Management Studies with Honours majoring in Strategic Management and a double minor in Leadership Communications and Marketing. I am also the Co-President of Te Ranga Ngaku, our māori management student association and the Vice-President of the Waikato Student Union.



Edwina Merito

Ngāti Awa, Ngāti Pūkeko

Edwina Merito (Ngāti Awa, Ngāti Pūkeko) is a leader and specialist in Māori development, and she brings a te ao Māori perspective, grounded in tikanga and mātauranga Māori.

This, together with her wide experience at central and local government and iwi levels enables her to support organisations to have a bigger impact and make positive contributions to the everyday lives and futures of iwi and Māori.

In her lead role at MartinJenkins, Edwina advises organisations on how to consult, engage and partner with iwi and Māori and how to take a partnering approach.



Associate Professor Jason Paul Mika

Tūhoe, Ngāti Awa, Whakatōhea, Ngāti Kahungunu

Te Raupapa Waikato Management School & Te Kotahi Research Institute

Te Whare Wānanga o Waikato University of Waikato

Rachel served as New Zealand Consul General in Guangzhou from 2016 to 2019, a period of rapid expansion in New Zealand's relationship with Southern China. During this time she led NZ Inc and supporting agencies and businesses in-market, and oversaw public diplomacy initiatives to strengthen the bilateral relationship.

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Wayne Mulligan

Ngati Maniapoto, Te Atiawa, Taranaki Iwi- Nga Mahanga a Tairi

Why join the merchant navy when you can be a pirate.

Wayne Mulligan is a founding partner and CEO of Fomana Capital and NZ Bio Forestry. He has a Masters of Management from the University of Auckland, specialising business modelling and systems thinking. Wayne has attended design thinking and innovation programmes at Stanford University, SAP and Te Hono.

Wayne attended the FTA signings between New Zealand and China and the ASEAN.



Julie Paama-Pengelly

Ngāiterangi, Ngāi Tūwhiwhia, Ngāi Tauaiti, Ngāti Tapu

Julie Paama-Pengelly (Ngāiterangi, Ngāi Tūwhiwhia, Ngāi Tauaiti, Ngāti Tapu) is a veteran of the revitalisation of tā moko Māori tattooing, with an expansive oeuvre in the Māori art development sphere. Her contributions include personal art and design practice, curatorial leadership, educational direction, and regional arts strategic development.

Her studio, Art + Body in Mount Maunganui (established in 2011), serves as a creative hub for growing Māori artists. She also chairs the Te Tuhi Mareikura Trust (TMT), which provides advocacy, support, and the development of excellence in tangata whenua creative expression across Tauranga Moana. The trust's initiatives include a whakapapa-based 'Ngā Uri o Muturangi' indigenous to indigenous reciprocal strategy.



Tania Pouwhare

Ngāi Tūhoe

Tania spent the formative years of her career working here and overseas in women's rights NGOs. Upon returning to Aotearoa she took a strategy role at Auckland Council and has been involved in economic equity issues for south and west Aucklanders, and Māori and Pasifika peoples particularly. Tania is a senior fellow with the Atlantic Fellowship for Social Equity, an honorary fellow of Engineering NZ, co-chair of the Māori Economic Development Advisory Board and a member of Te Kāhu Mātai WorkSafe Partners Council.



Kiriwaitangi A Rei

Kiriwaitangi is the Head of Māori Alliances at Zespri International, driving to improve cultural competency in the organisation, to strengthen partnerships/relationships with Māori growers and key stakeholders, and to create ongoing value for future generations, including supporting collaborative marketing opportunities for Māori kiwifruit growers into international markets.



Dr Parehau Richards

Senior Associate, GHA Chartered Accountants and Management Consultants, Rotorua

Te Whānau-ā-Apanui, Waikato | BMS, MMS with Distinction (Waikato), PhD (Te Herenga Waka)

Growing up, Parehau was heavily influenced by her elders in Te Kaha who set strong foundations and expectations to follow an academic pathway of learning, teaching and managing at Wānanga, Universities and Polytechnics, initially training in accounting, Māori Resource Management and te reo Māori. Parehau has also applied her technical skills in kāhanga reo, kura kaupapa, marae health and whānau trust governance roles while also teaching, researching and consulting.



Hemi Ruru

Te Aitanga-a-Mahaki, Te Atihaunui-a-Paparangi, Muaupoko, Rangitaane, Ngati Kahungungu, Ngai Tahu, Ngati Kuia, Te Atiawa

As the Business Partner - Pakihi Māori for BNZ here in Waikato, I am excited to be in a dedicated role that supports and works with pakihi Māori across the mighty Waikato. Previous to this role, I worked with Pakihi Māori from an Economic Development lens here in the Waikato working across a variety of projects to support and uplift Māori business potential both here in Waikato and collaborating across other regions. I bring these connections and relationships into my current role to continue supporting our Māori whānau across all aspects of their mahi with a special focus on ensuring they have the best financial support available.

Having a passion for uplifting the capability and capacity of Pakihi Māori allows me to focus on not just banking opportunities but other support options available to fully support their growth and development.

I aspire to make a difference within our Pakihi Māori whānau and help create a difference for their development, growth, capability and capacity. My hope is what we do now, creates a positive change for the next generation which will help shape the Māori economy positively and continue building greater opportunities for more Māori to be successful in the future.



Risa Schwartz

Sole Practitioner, Risa Schwartz International Law

Risa Schwartz is a settler, living in Toronto, Canada. She is a sole practitioner who specializes in international trade and investment law and international environmental law and the intersections with the rights of Indigenous Peoples.

Risa was a member of the Indigenous Working Group for Indigenous Trade Policy during the CUSMA negotiations, and a member of the Indigenous Peoples Advisory Committee (IPAC) for the IPETCA negotiations. Risa currently sits on the World Economic Forum's Indigenous Trade Steering Group. She formerly worked as a senior research fellow with Centre for International Governance Innovation's International Law Research Program, worked for the Ministry of the Attorney General for the province of Ontario and started her career as a legal officer in the Trade and Environment Division at the World Trade Organization.

Risa has co-edited two recent books on Indigenous rights and international law: *Braiding Legal Orders* (McGill-Queen's University Press, 2019) and *Indigenous Peoples and International Trade: Building equitable and inclusive International Trade and Investment Agreements* (Cambridge University Press, 2020) and has some upcoming publications, co-authored with Carrie Stoddart-Smith, relating to Indigenous trade and sustainability.



Annette Te Imaima Sykes

Annette Te Imaima Sykes is of Ngati Pikiao and Ngati Makino descent who focuses on Maori law in her own law firm. She has been actively advocating for human rights for over 35 years and is dedicated to bringing about constitutional change. She has also been involved in the Waitangi Tribunal Claims process, which addresses issues related to the cultural and intellectual property rights of Maori communities affected by government policies.

Annette was one of the first members of the Maori Broadcasting Agency, which was established after successful court claims regarding the Maori language. She also served as a founding member of Aotearoa Fisheries Ltd and was appointed Deputy Chairperson as part of the Maori Fisheries Settlement in 1989.

Annette has represented Maori in various United Nations forums and has provided advice on issues such as human trafficking, promoting a nuclear-free Pacific, and advocating for Indigenous rights. She has held important positions in several organizations dedicated to sustainable Maori development.

Currently, she is a member of Te Tai Kaha Maori Collective and acts as an advisor to the Government in promoting Maori rights, interests and responsibilities in freshwater and taking part in the Resource Management reforms. She recently became the main lawyer representing Maori in claims against the government regarding the CPP TPPA, ensuring that Te Tiriti o Waitangi is respected in free trade negotiations. Above all, she is a mother and grandmother and is deeply connected to her tribal communities who have supported her throughout her career.



Maui Solomon

Moriori, Kai Tahu and Pakeha

Maui is a lawyer with 37 years legal experience specialising in Indigenous Peoples rights and issues, Treaty law, cultural and intellectual property rights, fisheries and land claims and tribal development. Maui was Chief Negotiator for his own Moriori tribe whose 170-year-old claim was ‘settled’ in 2021. He is currently the Chair of the Moriori Imi Settlement Trust and Co-Chair of the Aotearoa New Zealand Peace and Conflicts Studies Trust that established a National Peace Centre at the University of Otago in 2009. He was Senior Counsel from 1992-2011 for the three Te Tai Tokerau Iwi in their Wai262 claim and is an expert adviser to the Taumata Whakapumau Wai262 pursuing implementation of that Claim. He has been invited as keynote speaker to various international fora over his long career including the World Intellectual Property Organisation, Convention on Biological Diversity, UNDRIP, Annual Bioneers Conference (San Fransico), International Society of Ethnobiology and was appointed as an Adjunct Professor at the Simon Fraser University in British Columbia in 2010-2015. Maui has published many articles and papers in both national and international publications. For the past 2 years Maui has been an adviser to Nga Toki Whakarururanga and assisted with the negotiations for the NZUK-FTA, EU-FTA, IPECTA, and as the Aotearoa indigenous representative on the Interim-Body to establish the Partnership Council of IPECTA. He lives with his wife Susan on Rekohu where they run a native plant nursery and regeneratively farm sheep and cattle on Maui’s family’s, 750-hectare farm at Owenga. They have five children and six mokos.



Carrie Stoddart-Smith

Ngāpuhi, Ngāti Whātua, Te Roroa, Te Uri o Hau

Carrie Stoddart-Smith is the founding Director of OpinioNative, a bespoke consultancy firm that prioritises surfacing cultural connections through trade and economic cooperation policy and initiatives. She is a member of several boards that focus on Indigenous trade and is particularly interested to further develop her research on the intersecting aspects of trade, technology, security and climate in the wider Asia Pacific through the perspectives of the regions Indigenous Peoples.



Hon Rino Tirikatene MP for Te Tai Tonga

Rino is the Minister of State for Trade and Export Growth and Minister for Courts.

Rino is the Minister of State for Trade and Export Growth and Minister for Courts.

Rino is an experienced Labour Member of Parliament who has held the Te Tai Tonga electorate seat since 2011. He represents Māori in the largest electorate in New Zealand.

Prior to entering Parliament, Rino practiced commercial law and had fifteen years' experience working in Māori economic development roles including Chief Executive of the Federation of Māori Authorities and as a Senior Manager for Ngāi Tahu Seafood.



Mr Ngahiwi Tomoana

Ngāti Kahungunu (Ngāti Hawea, Ngāti Hori) and Samoan descent

Ngahiwi Tomoana is of Ngāti Kahungunu (Ngāti Hawea, Ngāti Hori) and Samoan descent and has been involved in hapū and iwi development most of his life.

Ngahiwi was the longest serving Chair of any iwi serving the Board of Ngāti Kahungunu for 26 years. He was also the Chair of Te Pou Tahua, an Iwi Chairs Group focused on International Trade and Economic

Development that sits within the wider National Iwi Chairs Forum. While no longer a Chairman of an Iwi, Ngahiwi is mandated by

the National Iwi Chairs Forum to continue as the lead on behalf of Pou Tahua for Trade & Economic Development and is the visionary behind Te Aratini, which is built on the knowledge and experience that culture counts in commerce community and conservation.

Ngahiwi holds a number of key strategic positions that include: Kaihautū of Te Aratini; Co-Chair of Te Hurumanu, a partnership group that works alongside the Chief Executive and Senior Leadership Team of the Ministry of Foreign Affairs & Trade; Forum Member of the NZ Police Commissioner's Maori Focus Forum; Chief Ombudsman Board; Taumata Whakapumau - Wai262; Chair of Te Wānanga Whare Tapere o Takitimu, Trustee member on the Heretaunga Tamatea Settlement Trust and Co-Chair of the Māori Extreme Weather Science Response Panel.

Previous positions held include the role of Chair of the Māori Economic Development Advisory Board; Board Member for the Pacific Cooperation Foundation and Executive Board Member for the New Zealand China Council; Deputy Chair of the Hawke's Bay District Health Board and Chair of the Hawke's Bay District Health Board Maori Relationship Board to name a few.

Ngahiwi has a strong background in the seafood industry. He has previously been a Director and the Chair of Te Ohu Kaimoana Trust and Deputy Chair of the Wai Māori Trust, a division of Te Ohu Kaimoana.

Ngahiwi is passionately involved in the rights of Māori and other indigenous peoples to their estates and represents indigenous peoples' views on the global stage.

More importantly, Ngahiwi is a loving husband to Mere Tomoana, a father of six tamariki and grandfather to twenty one grandchildren and it is with his whānau in mind, that through all of these positions, responsibilities and vast experiences, he demonstrates his local, regional, national and international knowledge, passion and commitment to all things Māori, for the betterment of Māori katoa.



Master of Ceremonies

Pahia Turia

Ngā Wairiki, Ngāti Apa, Ngā Rauru, Whanganui, Tuwharetoa

Pahia Turia is from the Ngā Wairiki, Ngāti Apa, Whanganui, Ngā Rauru and Tuwharetoa whakapapa. He has been involved in Māori community development in the areas of health, justice, education and social housing for a number of years.

Pahia holds a number of directorships on boards throughout the country. He and his wife Njela own businesses in Whanganui and have a keen interest –in both residential and commercial property.

Pahia has four tamariki and five mokopuna.



Vangelis Vitalis

Deputy Secretary, Trade and Economic at the Ministry of Foreign Affairs and Trade

Vangelis Vitalis is Deputy Secretary, Trade and Economic. He was the APEC2021 Senior Officials' Meeting (SOM) Chair for New Zealand's host year and in 2023 Vangelis will be chairing the Senior Officials' process that supports the CPTPP Ministerial meetings. Vangelis was also the Chief Negotiator who led the conclusion of negotiations for the New Zealand European Union Free Trade Agreement and before that the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. In 2007-9, Vangelis was also the Chief Negotiator who concluded the ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) and the Malaysia-New Zealand Free Trade Agreement (MNZFTA). Prior to taking up his role in Wellington in 2017, Vangelis was New Zealand's Permanent Representative (Ambassador) to the World Trade Organisation (WTO) in Geneva where he chaired the agriculture negotiations in a personal capacity. In this role he helped draft the text of the historic Nairobi WTO Ministerial Decision([external link](#)) to eliminate agricultural export subsidies. Vangelis has also been the Ambassador to the European Union and NATO in Brussels and has had postings to Canberra and Moscow. Vangelis has worked outside the Ministry including as an economist in the Secretariat of the Organisation for Economic Cooperation and Development (OECD). He is a past member of the World Economic Forum's (WEF) Global Future Council on Trade and is currently a

member of the WEF Trade and Investment Action Group and is also on the Steering Committee for the WEF Climate Trade Zero initiative. He has chaired in a personal capacity the OECD Committee on Trade and the Environment (2008-2017), the OECD Global Forum on Trade and Climate Change and is currently the New Zealand Envoy for the Small Advanced Economies' Initiative.



Tane Waetford

Lead Adviser

Trade Policy Engagement and Implementation Division

Ministry of Foreign Affairs and Trade

No Ngāti Hine, Ngātiwai me Te Whakatōhea, Tane Waetford is Lead Adviser Māori Trade in the Trade Policy Engagement and Implementation Division (TPEI). TPEI is responsible for managing MFAT's Māori and stakeholder engagement on trade issues, and for the ongoing implementation and periodic upgrade of New Zealand's in-force trade agreements.

Tane joined MFAT in 2009 and has worked in a number of different Wellington-based teams including North Asia Division (Taiwan desk), APEC, United Nations, Human Rights and Commonwealth Division (2015-16 Security Council Campaign), APEC21 (Māori Success Team) and the Māori Policy Unit. He has had overseas postings to Brazil and Argentina, as well as short-term assignments to the Philippines and Ireland. Tane studied at Victoria University of Wellington | Te Herenga Waka, graduating with a Bachelor of Laws (2005) and a Master of Laws (2009).



Image from Te Kāhui a Kiwa,
conference, 2023



Image from Te Kāhui a Kiwa,
conference, 2023

Te Kāhui a Kiwa—Advancing Indigenous self-determination and wellbeing through trade and can the CPTPP help, a conference held 28-29 June 2023, Gallagher Academy of Performing Arts, Hamilton, New Zealand

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Te Kāhui a Kiwa-Advancing Indigenous self-determination and wellbeing through trade and can the CPTPP help, Youtube playlist:



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