**Gold Standard Text for NZ UK FTA:**

**Honouring Te Tiriti o Waitangi – The Treaty of Waitangi**

**27 October 2021**

**Article X.1 Context and Purpose**

1. The Parties recognise the unique and historical relationship that exists between Māori and the United Kingdom as original signatories to Te Tiriti o Waitangi/The Treaty of Waitangi and the origins of Te Tiriti o Waitangi/The Treaty of Waitangi in He Whakaputanga o te Rangatiratanga o Nu Tireni (1835).
2. The Parties acknowledge that Te Tiriti o Waitangi/The Treaty of Waitangi is New Zealand’s founding constitutional document which recognises the relationship of the Rangatiratanga of Māori and the Kāwanatanga of the Crown, in its original capacity as the United Kingdom and the New Zealand Government as its successor, and their shared authority in the national and international domain.
3. The Parties recognise the value and associated responsibilities of Māori leadership, Te Ao Māori approaches and Mātauranga Māori in the design and implementation of policies and programmes that protect and promote the economic, social and cultural rights, responsibilities and aspirations of Māori, and the benefits to the wider New Zealand society, consistent with Te Tiriti o Waitangi/The Treaty of Waitangi.
4. The Parties recognise the value of Māori participation in trade and investment, including the digital economy, through the recognition and promotion of Māori relational approaches to international trade and investment and the protection of Mātauranga Māori, technologies and methodologies, and that this will have economic and social benefits across both their societies.
5. The Parties recognise the relative socio-economic disparity and disadvantage that has accumulated over time for Māori as a consequence of colonisation, and the importance for reconciliation of enabling and advancing the achievement of Māori economic, social and cultural rights and aspirations in a manner consistent with Te Titiri/The Treaty and of removing barriers to attaining that goal.
6. The Parties acknowledge that international trade and investment policies, rules and practices can impact positively and negatively on a broad range of other rights, responsibilities, interests and economic development of Indigenous peoples, including laws, cultural, intellectual, spiritual and religious property and practices, knowledge and learning, medicines and health practices, subsistence livelihoods, traditional harvesting and guardianship of natural resources and ecosystems, media and digital technologies.
7. Consistent with the United Nations Declaration on the Rights of Indigenous Peoples, the Parties recognise the need to honour, respect, promote and protect the rights, responsibilities and interests of Māori and other Indigenous Peoples through new approaches to trade and investment, and through participatory dialogue involving Indigenous Peoples in international trade agreements and multilateral fora.
8. The Parties agree that the purpose of this chapter is to establish and strengthen cooperation and capacity building opportunities, and enable and advance the achievement of Māori rights and responsibilities, under Te Tiriti o Waitangi/The Treaty of Waitangi and enhance the economic, social and cultural aspirations and wellbeing of Māori and thereby enhance the wellbeing of Aotearoa New Zealand as a whole.

**Article X.2**

**Māori Concepts**

1. The Parties recognise the following Māori concepts have intrinsic value in relation to governance, trading and investment relationships:

**Kaitiakitanga** – refers to the Māori concept of stewardship, guardianship and protection of our natural surroundings (land, sea, water and air), and of the mauri of the environment;

**Kaitiaki** – refers to the person who is the kaitiaki;

**Kawenga** – shared responsibility or obligation (in the context of the chapter in connection with kaitiaki;

**Mātauranga Māori** includes Māori knowledge and philosophy and embraces intergenerational continuity. It is dynamic, regenerative, and capable of evolving to respond to modern day situations.

**Mauri** – refers to essential quality and vitality of a being or entity; also used for a physical object or ecosystem in which this essence is located. All objects have mauri.

**Taonga** is a treasured thing or possession and may be both tangible or intangible. In Article 2 of Te Tiriti o Waitangi, Maori were guaranteed rangatiratanga (full chiefly authority) over all of their taonga.

**Te Ao Māori** is the Māori world view and acknowledges the interconnectedness and interrelationship of all living and non-living things.

**Tikanga Māori** are Maori customary values, practices, protocols, customs, ethics and law. They can apply to the spiritual world (mana atua), land (mana whenua), ancestry (mana tupuna) and people (mana tangata).

**Whakapapa** refers to each individual’s connection to their ancestors and future generations. All things in the Māori world have a whakapapa. Whakapapa connects Māori to their natural surroundings and those natural surroundings to Māori.

1. For the purposes of this chapter, Māori is also deemed to include a reference to Moriori.

**Article X.3 Multilateral Agreements**

1. The Parties acknowledge:
2. The objectives of and their commitments to the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the United Nations General Assembly on September 13, 2007;
3. Their commitments as Parties to the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions, done at Paris in October 2005;
4. The objectives of the UN 2030 Agenda for Sustainable Development, adopted by the UN General Assembly Resolution 70/1 on 25 September 2015 and its Sustainable Development Goals, relevant to Indigenous Peoples; and
5. Their rights and responsibilities under the Convention on Biological Diversity done at Rio de Janeiro on 5 June 1992.
6. Each Party shall leverage their membership in regional and multilateral fora to protect and promote Māori interests, rights and responsibilities, and to further the interests of Māori and Indigenous Peoples more broadly.

**Article X.4 Obligations across the Agreement Benefitting Māori and Moriori**

1. The Parties recognise that this Agreement seeks to provide opportunities and facilitate conditions that enable and advance the achievement of Māori economic, social and cultural aspirations and wellbeing, and to ensure the protection of their rights, interests and responsibilities, consistent with Te Tiriti o Waitangi/The Treaty of Waitangi.
2. In addition to the provisions in this Chapter, there are provisions in other Chapters of this Agreement that aim to contribute to achieving Māori economic, social and cultural aspirations and wellbeing, or otherwise contribute to enhancing the participation of Māori in trade and investment opportunities, and to provide flexibilities and protections that ensure the exercise of their rights and responsibilities under Te Tiriti/The Treaty and the instruments referred to in Article X.3.1.
3. These provisions include:

[*References to provisions in other chapters to be completed once other chapters have agreed text*]

**Article X.5 Māori – Crown Cooperation**

1. The Parties shall work together, with Māori in the case of New Zealand, in a manner consistent with Te Tiriti o Waitangi/the Treaty of Waitangi and Te Ao Māori, Mātauranga Māori and tikanga Māori, to facilitate the following cooperation and capacity building activities:
2. Enhancing the ability of Māori business to access and benefit from the trade and investment opportunities created by this Agreement, with particular attention to businesses operated by or designed to benefit wahine, rangatahi, gender diverse, and differently abled Māori. These activities includes seminars and workshops on digital, financial and trade literacy, framed wherever possible in a manner consistent with Mātauranga and tikanga Māori.
3. Promoting Māori business and entrepreneurship, including activities to support Māori micro, small and medium enterprises (MSMEs), facilitating access to existing supply chains, promoting and developing Māori supply chains, and enabling and strengthening e-commerce opportunities;
4. Identifying where trade and investment policies, rules and practices under this Agreement may create or are creating adverse effects on the ability of Māori to exercise their rights and responsibilities under Te Tiriti o Waitangi/ The Treaty of Waitangi, and means to address those effects;
5. Recognising, authenticating and protecting Mātauranga Māori and taonga, and the ability to Māori to exercise their responsibilities as kaitiaki, including the development of processes and tools to facilitate tracing and authenticating of taonga, strengthening the relationship between Māori and those taonga held in the United Kingdom, and where possible, restoring control over those taonga to Māori;
6. Advancing and promoting Māori expertise and interests in media and broadcasting, broadly defined, including knowledge sharing, exchange mechanisms and workshops with the participation of the public and private sectors;
7. Advancing and promoting stronger institutional relationships relating to:
	* 1. arts;
		2. language and culture;
		3. education; and
		4. tourism .

This includes exchange mechanisms, scholarships, fellowships, residencies, workshops, trade missions, and internships, framed in a manner that recognises the importance and contribution of Mātauranga Māori and tikanga Māori.

1. Each Party, with Māori in the case of New Zealand, shall invite as appropriate their respective government agencies, and relevant stakeholders in private businesses, workers, civil society, academic institutions, unions, business councils, non-governmental organisations or other groups as appropriate, to participate in the cooperation and capacity building activities of this Chapter.
2. All cooperation under this Chapter shall form part of a work programme agreed by the Tiriti o Waitangi Committee, subject to the relevant laws and regulations of each Party.

**Article X.6**

**Cooperation on implementation of this Agreement**

1. Each Party shall cooperate with each other and with Māori, as part of the implementation of this Agreement, on promotional activities targeted at enabling and advancing the achievement of Māori economic, social and cultural aspirations and wellbeing, and the exercise of rights and responsibilities in relation to matters addressed in this Agreement.
2. The activities in paragraph 1 include building relationships between, and enhancing understanding of, the unique historic relationship between the British Crown and Māori.
3. Each Party shall make financial resources available, where appropriate, to assist with the implementation of cooperation and capacity building activities that take place under the auspices of this Chapter and other chapters in this Agreement.

**[Article X.7**

**Institutional Provisions**

1. For the purposes of the effective implementation and operation of this Chapter, and in recognition of the relationship of Rangatiratanga and Kawanatanga in Tiriti o Waitangi/Treaty of Waitangi, the Parties establish a Tiriti o Waitangi/Treaty of Waitangi Committee composed of an equal number of governmental representatives, or their designees of each Party, and of representatives of Māori.
2. Consistent with Article 18 of the United Nations Declaration, Māori will choose their own representatives in a manner they consider appropriate, taking into account gender balance, youth representation, and diversity of experiences and perspectives.
3. Each Party will bear its own costs in relation to the Committee, and New Zealand will bear the costs of Indigenous representatives associated with their participation.
4. The Committee shall carry out its functions in a manner consistent with the Te Tiriti o Waitangi/the Treaty of Waitangi, and in a manner sensitive to tikanga Māori.
5. The functions of the Committee shall include, but are not limited to:
	1. monitoring and reviewing the implementation and operation of this Chapter;
	2. considering issues or proposals for future cooperation and capacity building activities under this Chapter proposed by either of the Parties or by Māori members of the Committee;
	3. considering any other matter contributing to the achievement of Māori economic, social and cultural aspirations as the Committee may decide, with respect to the operation of this Agreement;
	4. determining, organising, and facilitating the joint activities under Article XX [Cooperation], and facilitating the exchange of information on the lessons learned through such activities;
	5. coordinating with other committees, working groups and any other subsidiary body established under this Agreement as appropriate, to contribute to the achievement of Māori economic, social and cultural aspirations. The participation of Māori and application of tikanga Māori is integral to these co-ordination processes in the case of New Zealand.
	6. inviting relevant experts or organisations to Committee meetings to provide information and advice, including with respect to the development and implementation of joint activities, and when requested, to provide advice and guidance to other committee or subsidiary bodies established under this Agreement regarding matters related to contributing to the achievement of Māori economic, social and cultural aspirations; and
	7. perform any other functions as the Parties may decide.

 **Article X.8**

**Contact Points**

Each Party shall designate a contact point from its relevant authorities within 90 days of entry into force of this Agreement, in order to facilitate communication between the Parties on any matter relating to this Chapter. Each Party shall notify the other Party of the contact details of its contact point and shall promptly notify any change to its contact point or those contact details.

**Article X.9**

**Dispute Settlement and Review**

1. Neither Party shall have recourse to Chapter XX (Dispute Settlement) in respect of any issue arising from or relating to this Chapter.
2. Where a dispute arises under this Agreement over the meaning of Māori rights and responsibilities and Crown obligations under Te Tiriti o Waitangi/The Treaty of Waitangi, or the meaning of Māori concepts and terms, the Committee shall address that question through a Rangatiratanga to Rangatira, kanohi-ki-te-kanohi (face to face) process of Māori and the Crown, consistent with Tikanga Māori.
3. The Committee shall publish an annual report of its activities.
4. The implementation of this Chapter shall be reviewed by the Committee, with broader participation of Māori, against its purposes three years after entry into force of this Agreement and at three yearly periods thereafter. That review shall be made public and the Committee shall consider its findings and recommendations with a view to any necessary revisions of this chapter to enable it to better achieve its purposes.