

NGĀ TOKI WHAKARURURANGA

Indigenous Peoples' Input into CPTPP Under Aotearoa New Zealand's Chairing of CPTPP 2023

Overview

Aotearoa New Zealand is hosting the CPTPP in 2023. This is an opportunity to address issues that have become apparent since the original negotiation of the Agreement and to build on and strengthen arrangements developed at that time and since then. In Aotearoa New Zealand those issues and developments include a multi-stage Waitangi Tribunal inquiry into whether the original Trans-Pacific Partnership Agreement and the subsequent CPTPP comply with the obligations of the New Zealand Government (Crown) to Māori under Te Tiriti o Waitangi. This is also an opportunity to highlight the commitments of most of the CPTPP membership under the United Nations Declaration on the Rights of Indigenous Peoples.

The following work programme has been co-designed with Māori consistent with partnership relationship of rangatiratanga and kāwanatanga under Te Tiriti o Waitangi. It reflects experiences to date with the Inclusive Trade Action Group (ITAG) in relation to indigenous peoples, including the impacts on Māori businesses and jobs, as well as Māori participatory processes, and other matters that have arisen in the review of ITAG.

The work programme also addresses matters that have been addressed in the Waitangi Tribunal hearing that impact on the rights, interests, duties and responsibilities of Māori, which we anticipate will have parallels for indigenous peoples in some other CPTPP parties pursuant to the UN Declaration. New Zealand is taking up the chair in 2023 for ITAG which makes it especially appropriate to address these matters at this time.

New Zealand's hosting of CPTPP provides important opportunities to promote further membership of ITAG and indigenous to indigenous dialogue between indigenous peoples of those CPTPP parties, as well as collective dialogue between those indigenous peoples and the CPTPP parties themselves. We hope that a better understanding of the opportunities and concerns that arise under CPTPP and ITAG can inform our thinking of how the CPTPP can be upgraded or improved in relation to the CPTPP General Review.

Objectives

To provide opportunities for Māori and other indigenous peoples to share views on the opportunities to better advance indigenous trade and their concerns arising from the CPTPP and contribute to discussions and deliberations among CPTPP parties.

To highlight specific areas where CPTPP can better contribute to supporting Māori and other indigenous businesses, including small and medium enterprises, women, workers, and

communities to advance their rights, interests, and perform their duties and responsibilities as indigenous peoples, including through regional cooperation under the CPTPP and ITAG.

To reinforce the value for all parties to the CPTPP of enabling genuine, effective and culturally appropriate participation by indigenous peoples in decision making processes that can ensure the benefits of international trade agreements are enjoyed by all.

Initiatives

(i) Hosting a dialogue of Māori on CPTPP

A hui (with in-person and virtual options for participation) that brings together Māori working in the trade space and those whose kaupapa the CPTPP and ITAG directly affects, including Māori small businesses, kaimahi and wahine Māori, Māori data sovereignty and digital governance, te Taiao and climate change, organics, rongōa, among others.

This process would be facilitated independently through an arrangement with Ngā Toki Whakarururanga whose Mediation Agreement includes such responsibilities, and funded to ensure effective participation by a cross-section of Māori. The hui would need to take place by late April to ensure it can inform the indigenous to indigenous hui and positions placed before CPTPP parties.

(ii) Hosting an indigenous to indigenous hui on CPTPP

A hui (with in-person and virtual options for participation) that brings together Māori and indigenous peoples from other CPTPP parties to discuss issues arising under CPTPP and ITAG. This would identify a range of issues to be raised by indigenous peoples in their dialogue with CPTPP parties. This hui could be organised and resourced through Te Rangitukupu as part of the outreach of IPETCA, given the overlap of participating countries. It should take place in May to ensure there is sufficient time to prepare documents that inform the dialogue with the CPTPP parties and the deliberations of the CPTPP Commission.

This hui should establish a precedent for meetings of an indigenous caucus of the CPTPP and dialogue with the CPTPP Commission, given Canada's role as the chair of the CPTPP in 2024 as well as its participation in ITAG and IPETCA.

(iii) Hosting a dialogue between Indigenous Peoples and CPTPP parties

The third step in this process should involve a dialogue between Indigenous Peoples and the CPTPP Commission at which the report from the indigenous to indigenous hui can be presented and discussed. This should inform the review of the CPTPP that is currently underway and create a basis for regular ongoing reflection on future developments of the CPTPP to achieve the objective of maximising benefits for all peoples in the CPTPP countries.

This dialogue should take place alongside the CPTPP Commission, on the understanding that the documentation from the indigenous to indigenous hui has been circulated to the parties sufficiently in advance to influence the decision making process. The parties should report back to the indigenous caucus on its decisions and action taken in response to their report.

(iv) *Reviewing the 2018 ITAG Joint Declaration*

In light of the findings of the review of the ITAG declaration that the CPTPP has not delivered the anticipated benefits to indigenous peoples in Aotearoa, and that no actions have been taken pursuant to the indigenous peoples part of ITAG, the parties to ITAG and indigenous peoples from those countries should jointly review the arrangement and revise it to ensure that it meets indigenous peoples' rights, interests, duties and responsibilities.

We look forward to discussing how to make the most of this opportunity.

10 February 2023