

**NZ EU FTA**

**Tiriti o Waitangi Assessment:**

**Overview**

**NGĀ TOKI**  
**WHAKARURURANGA**

**Our mandate to  
conduct a Tiriti  
Assessment of the  
NZ EU Free Trade  
Agreement**

Ngā Toki Whakarururanga is mandated to conduct Tiriti o Waitangi assessments of free trade agreements under the Mediation Agreement between Māori claimants and the Crown in the Waitangi Tribunal Inquiry on the TPPA (Wai 2522).

Despite this, the Crown has chosen to commission its own “independent” assessment of the impacts for Māori.



**The EU NZ FTA is  
assessed against ...**

The Crown's obligations under the  
**4 articles of Te Tiriti o Waitangi,**

consistent with the Kaupapa of  
Ngā Toki Whakarururanga (NTW):

*Mana whakahaere in the global domain  
is informed by **Rangatiratanga and  
Kawanatanga working together in a  
mana-enhancing relationship of equals,**  
consistent with Te Tiriti o Waitangi and  
He Whakaputanga o Te Rangatiratanga o  
Nu Tireni.*



# Te Tiriti o Waitangi

**Kāwanatanga** Article 1: Government exercises authority over its own and any authority positively delegated by Māori, subject to the obligation to recognise rangatiratanga and ensure the protection of Māori rights, interests, duties, and responsibilities.

**Tino Rangatiratanga** Article 2: Rangatira have unfettered ongoing power and responsibility to ensure the exercise of Māori authority collectively over their own affairs and resources in a manner consistent with tikanga Māori.

**Oritetanga** Article 3: Māori and the Crown's people have parity and equity in rights and outcomes, meaning equal rights to define and pursue aspirations according to a people's fundamental principles, laws, and beliefs.

**He Whakapono** 4th Article: guarantees the active protection of philosophies, beliefs, faiths, and laws.



## Our overall assessment

The Crown continues to **exceed its authority as kāwanatanga** in the negotiation of trade agreements and **deny Māori the right to exercise our rangatiratanga** in the process, the content and the implementation of this FTA.

Despite **some improvements** over previous agreements, the NZ EU FTA does **not promote and protect** the rights, interests, duties and responsibilities of Māori in a **Te Tiriti-compliant manner** and offers **minimal, if any, concrete economic benefits** to Māori businesses and workers.

# What the Tiriti assessment covers

**PART 1: TE TIRITI AND  
RANGATIRATANGA**

**PART 2: MĀORI TRADE  
AND ECONOMIC  
COOPERATION**

**PART 3:  
MĀTAURANGA  
MĀORI, KNOWLEDGE  
AND CULTURE**

**PART 4:  
MĀTAURANGA  
MĀORI, DATA  
SOVEREIGNTY AND  
DIGITAL TRADE**

**PART 5: PAKIHI  
MĀORI (BUSINESSES,  
SMES, PRODUCERS)**

**PART 6: KAIMAHI AND  
WĀHINE MĀORI**

**PART 7: TE TAI AO**

**CONCLUSION**

see the full report at [www.ngatoki.nz](http://www.ngatoki.nz)

# Key findings

No rangatiratanga in negotiations, governance or reviews on matters that directly affect Māori

No indigenous to indigenous relationships, with complete denial of the mana of Indigenous Peoples in EU territory, notably Sámi

No change to the flawed Treaty of Waitangi  
Exception with some patch up exceptions in the text

Māori trade cooperation chapter is discretionary, excludes Sámi, ignores issues of concern, is unresourced and unenforceable

Some intellectual property rights are worse than previous FTAs and incompatible with Wai 262

EU has protection for its important names, but no Māori names are protected. Mānuka is only referred to in unenforceable Māori trade cooperation chapter

# Key findings

Minimal, if any, tangible gains for Māori exporters, similar to MFAT's findings on the impact of the TPPA/CPTPP for Māori

**Restrictions on future Tiriti-based regulation of services and foreign investment from the EU**

No realistic prospect of gains for ngā Pakihi, Kaimahi or Wāhine Māori

**A chapter on SMEs that is weak and unenforceable**

No Māori role in any decision-making, and minority presence in "civil society" and stakeholder bodies

More effective, but still limited, protections for Tiriti-compliant measures on data and digital



As a first step, the Crown should co-sponsor with Ngā Toki Whakarururanga the development of an effective Tiriti-based model that brings together the existing Māori entities that are actively engaged in the trade space for the purpose of building cooperation and cohesion to represent the interests of ngā Māori katoa, and provide for shared decision-making with the Crown, equitable access to resources, and Māori authority over Māori people and Māori Kaupapa.

# To become Tiriti-compliant the Crown needs to

Honour what our ancestors envisaged in 1835 and 1840

Deliver co-governance with independent and accountable Māori at the table with real power

Jointly develop a transformative template for trade agreements that upholds the mana of ngā Rangatira me kāwanatanga

Co-develop and require effective and enduring protections in future FTAs and review existing ones to give effect to Te Tiriti

Require an open and accountable process in all negotiations so Māori and others can participate fully in their development

Lay a tika and pono foundation for future relations between Indigenous peoples in states that are party to international agreements

For more information and the  
full report go to  
[www.ngatoki.nz](http://www.ngatoki.nz)

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**WHAKARURURANGA**