

NGĀ TOKI WHAKARURURANGA

POSITION PAPER ON TE TAI AO (ECOSYSTEM) & THE CLIMATE CRISIS

IPEF – Busan Round, July 2023

Ngā Toki Whakarururanga brings a Te Tiriti o Waitangi perspective to the trade policy space, which requires the Government of Aotearoa New Zealand (the Crown) to uphold and actively protect Māori rights to exercise authority over our lands, waters, resources and all taonga, including the ecosystem, as well as Māori laws, beliefs and philosophies. That includes for IPEF.

TE TAI AO (ECOSYSTEM) IS THE HEART OF MĀORI IDENTITY

- ☉ Indigenous approaches to trade embody deeply interconnected relationships between people and with the natural world, sourced in the creation story that is broadly shared by Māori and other Indigenous Peoples in the territories of IPEF parties.
- ☉ We are connected to that world through whakapapa/genealogical relationships and have responsibilities to it as kaitiaki/custodians.
- ☉ Those responsibilities include avoiding risks to the natural and spiritual wellbeing of the ecosystems that keep our lives in balance and have sustained our communities for many generations, and the wellbeing of people themselves.
- ☉ The Waitangi Tribunal's report in the landmark inquiry on the impacts of colonisation on Māori culture and identity *Ko Aotearoa Tēnei. This is Aotearoa* (Wai 262) recognised the survival of the natural environment and its preservation is inextricably linked to the survival of Māori culture and identity, which is a taonga guaranteed to Māori under Te Tiriti o Waitangi:

Relationships evolved between kaitiaki and the landscapes, waterways, flora and fauna, and other taonga in the environment with which they lived... . These relationships are so crucial to Māori culture and identity that their survival cannot be separated from the survival of the culture itself. (p.248)

- ☉ The NZ Government must honour its Te Tiriti o Waitangi obligations to Māori within the IPEF to ensure Māori can exercise rangatiratanga (authority) over these taonga.

AN INDIGENOUS SEAT AT THE IPEF TABLE

- ☉ It is vital that the Māori voice and voices of Indigenous Peoples generally are heard directly during these negotiations and not filtered through state run processes. This will ensure that our unique worldviews are conveyed and understood in their proper cultural context. IPEF negotiations are no exception.
- ☉ The Waitangi Tribunal stated in *Ko Aotearoa Tēnei*:

We think that indigenous rights and the role of the indigenous voice in international forums are areas where New Zealand should be leading the world. The special place we accept Māori hold in our systems of governance is a foundation for our national identity and cohesion. (p.690)

- ☉ It is our view that the Māori ‘voice’ in matters relating to the protection and enhancement of Te Taiao o Aotearoa New Zealand should be the pre-eminent voice within the negotiation of international trade agreements such as IPEF, especially in relation to Te Taiao.
- ☉ The UN Declaration on the Rights of Indigenous Peoples lends support to the proposition that the voice of Indigenous Peoples within other IPEF territories should be heard in the same way.
- ☉ It is essential that Māori and other Indigenous Peoples affected by IPEF have early access to text during all the drafting stages to enable effective and genuine input.

WILL IPEF SERVE TE TAI AO AND ADDRESS THE CLIMATE CRISIS?

- ☉ IPEF promises a new approach to the relationship of trade to the environment, ecosystems, biodiversity, and the climate crisis. However, we remain sceptical that this will deliver a genuinely new model that places priority on the protection of the environment and instead will continue to be driven by economic imperatives. A new and transformative approach is required to mitigate the current climate crisis facing the planet.
- ☉ The climate crisis is of existential importance to Māori, to Aotearoa and the world and this fact needs to be acknowledged within IPEF.
- ☉ The title of Pillar 3 “Clean Economy” suggests an economic focus that ignores the holistic inter-relationship of our shared planet’s economic, social, cultural, ecological and spiritual dimensions.
- ☉ We remain deeply sceptical at the over-reliance on “solutions” to the climate crisis that rely on economic incentives, carbon markets, and technological innovations as a means of solving the climate crisis, while ignoring the potential solutions that indigenous innovation can provide.
- ☉ Using trade to ensure environmental sustainability cannot be achieved through focussing on market mechanisms that commodify Te Taiao. Instead, we urge an emphasis on solutions that meaningfully drive down emissions e.g. accessible public transport, end to fossil fuel extraction.
- ☉ We urge IPEF parties to endorse and adopt the model of ethical trade that underlie Indigenous Peoples’ relationships to both trade and environment and empower us to lead that model. Consistent with the stated objectives of IPEF, the term “ethical trade” should be defined as:

a system of global trade in goods and services that do not result in environmental degradation, recognises and protects the intrinsic integrity and value of the natural domain, and provides protections for workers within the global supply chain including, for example, workers rights, child labour, health and safety, discrimination and living wages.

SPECIFIC PROPOSALS FOR IPEF

- ☉ The IPEF chapter on Environment in Pillar 1 and Pillar 3 (renamed “Addressing the Climate Crisis”) needs to acknowledge that Māori, and the many other Indigenous Peoples and traditional communities who inhabit the Indo-Pacific Ocean, have a rich cultural heritage and are the inheritors of thousands of years of navigation, trade, and settlement of this vast Ocean. As such we have and maintain a special relationship to this region as traditional and modern day kaitiaki.
- ☉ We note the US has already agreed in the USMCA to provisions that:

recognize that the environment plays an important role in the economic, social and cultural well-being of Indigenous peoples and local communities, and acknowledge the importance of engaging with such groups in the long-term conservation of our environment. (Art 24.2.4)
- ☉ Both Pillars need to go beyond just “recognising” our role to *empowering* Indigenous Peoples to give effect to our rights and responsibilities in relation to food, forestry and fisheries, biodiversity, climate and trade, Multilateral Environment Agreements, environmental goods and services.
- ☉ To achieve this, IPEF parties must redress our exclusion in both the negotiations and the final institutional arrangements, and not through an unenforceable “inclusivity” text.