

NGĀ TOKI WHAKARURURANGA

www.ngatoki.nz

E Ngāti Kahungunu Mana, e Ngāti Kahungunu Ihi, e Ngāti Kahungunu Tangata, tēna koutou kua karanga mai nei i te iwi whanui, puta noa i te motu, kia manawatoopu mai ai tātou, ki roto i a koutou. Tēna hoki koutou e ngā iwi o te motu e whakakōtahi mai nei mo te kaupapa te take.

We thank you Ngāti Kahungunu for inviting us to share our whakaaro on how we can achieve kotahitanga as iwi Māori. On the basis of your kind invitation, here is our contribution as a discussion paper that we will submit to your website.

The kaupapa and mandate of Ngā Toki Whakarururanga is to uphold the rangatiratanga o ngā hapū, affirmed in He Whakaputanga o te Rangatiratanga o Nu Tireni and Te Tiriti o Waitangi, to ensure the Crown is acting in a Te Tiriti-compliant manner in relation to trade policies and agreements it enters into on behalf of Aotearoa New Zealand.

Ngā Toki Whakarururanga was borne out of the Waitangi Tribunal claim (Wai 2522) lodged in 2015 that the Trans-Pacific Partnership Agreement (TPPA), and its successor the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, breaches the Crown's obligations under Te Tiriti o Waitangi.

A [Mediation Agreement](#) between the claimants and the Crown adopted in November 2020 provided for the establishment of Ngā Toki Whakarururanga, with a commitment to ensure it would exercise effective and genuine influence over all stages of trade policy and negotiations.

Ngā Toki Whakarururanga - Te Pae Tawhiti 2040 / Vision Statement 2040

“He Whenua Rangatira”

“We are an independent and sovereign nation”

Tō Tātou Kaupapa/Our Purpose

Kia pūmau ki te kupu, tutuki noa ngā taonga tuku iho.

(To hold fast to the promise to advance and protect our legacies)

Our duty and responsibility is to protect and advance Māori rights according to Te Tiriti o Waitangi me He Whakaputanga.

Ā Tātou Tikanga/Our Core Principles

1. **Mō te iwi te take:** Service to the people
2. **Kaitiakitanga:** Protect and enhance our reciprocal relationships within the natural world
3. **Rangatiratanga:** Uphold Māori self-determination and mana motuhake
4. **Utu:** Foster reciprocation
5. **Whakarite:** Restore balance by asserting Te Tiriti o Waitangi me He Whakaputanga
6. **Mauri tū mauri ora:** Protect life force and quality of being
7. **Wairuatanga:** Our identity and spiritual connection
8. **Ahi kā:** Continuity to place and belonging
9. **Kōrero ā toi:** Sovereignty over our communication and language

Ngā Whaingā/Key Goals

1. To strengthen our foundations
2. Rangatiratanga in trade-related spaces
3. We will create and enhance strategic relationships

Our pou

Last month our kaihautū met to discuss our response to the violence that this current government is imposing on our people and our whenua, as a result of their denigration of te kawenata tāpū, Te Tiriti o Waitangi, and He Whakaputanga. That kōrero forms part of the growing resistance among hapū, iwi and hāpori to this latest assault on our mana and rangatiratanga, including with leadership from Kiingitanga at Ngaruawahia, Ratana, Waitangi and now Ngāti Kahungunu.

We resolved to stand firm on our kaupapa and stay true to how our ancestors would have fought these battles: be proactive, not reactive; be more activist and less responsive to the Crown's technical demands. Appeasing the Crown and responding to its agenda would jeopardise our ability and responsibility to defend hāpori at risk. Being effective requires us to preserve a strategic balance, one that challenges Kāwanatanga and pushes the boundaries while maintaining voice and presence in relationships with the Crown.

In our commitment to kotahitanga, we dedicate ourselves to work across diverse perspectives in order to advance our shared responsibilities and interests and counter Crown strategies of divide and rule - but always with Te Tiriti as the unshakeable pou.

Our mahi

It is important to be clear at the outset - Ngā Toki Whakarururanga is not a "trade" group. Our interests do not lie in advancing a free trade agenda. We are committed to ensuring that Māori can protect and exercise our responsibilities, duties, rights and interests in this "trade" space.

We hold the Crown to account against its obligations under Te Tiriti.

The four articles of Te Tiriti guide our interventions on trade negotiations and are the reference for our Tiriti assessments of what the Crown has negotiated.

For example: ***The trade agreement with the UK*** should have had Te Tiriti at its core: if not with the original signatory to Te Tiriti o Waitangi, then with whom and when? All Māori entities who participated in this kōrero said Māori must be at the table in any negotiations. Ngā Toki Whakarururanga drafted what all the rōpū endorsed as a gold standard Tiriti o Waitangi chapter.

The British response was to declare that Te Tiriti is not their responsibility any more. The Crown capitulated, and settled for an unenforceable Māori trade cooperation chapter. Ngā Toki Whakarururanga wrote a scathing [assessment of the agreement](#) against the four articles of te Tiriti o Waitangi.

The Crown continues to deny that rangatiratanga includes the right to make international treaties. It retains control over these negotiations. As we predicted, this weak Indigenous trade chapter is fast becoming the norm, while fundamental rights over taonga are jeopardised.

Ngā Toki Whakarururanga continues to hold the Tiriti line in all other negotiations, demand the right of Māori in the exercise of rangatiratanga to jointly decide the agenda for negotiations and secure a seat at the table. We consider ourselves focused on and committed to critique the Crown's failure to meet a Tiriti threshold.

We are challenging the Crown in the Constitutional Kaupapa Inquiry (Wai 3300)

Ngā Toki Whakarururanga is a party to the Constitutional Kaupapa Inquiry at the Waitangi Tribunal. [Our claim](#) has four parts:

1) ***The Crown's constitutional arrangements breach Te Tiriti o Waitangi.*** The Crown has systematically, continually, and deliberately breached its fundamental obligation to adopt and maintain the constitutional relationship of Rangatiratanga to Kāwanatanga agreed to in Te Tiriti o Waitangi. That constitutional obligation is consistent with our ability to exercise self-determination over our lives in a manner consistent with our tikanga, governance arrangements, political institutions and processes, economic systems, and treaty making authority.

2) ***The Crown's Treaty Principles breach Te Tiriti.*** Over several decades the Crown has developed "principles of the Treaty" to avoid its obligations under Te Tiriti. The most recent and extreme version is the ACT Party's Treaty Principles Bill and New Zealand First's review of Treaty clauses in legislation. The Crown could extinguish its obligations under Te Tiriti o Waitangi, and the Waitangi Tribunal, overnight with the stroke of a legislative pen.

3) ***the imposition of capitalism was and is a denial of Tino Rangatiratanga.*** The imposition of capitalism in Aotearoa New Zealand from 1840 to the present day has been the most potent instrument for the denial of rangatiratanga and the imposition of Crown sovereignty. Until tino rangatiritanga is restored, there cannot be an economy of reciprocity that embraces the values of kaitiakitanga, manaakitanga, and whanaungatanga and is informed by tikanga and mātauranga Māori. Equally, tino rangatiratanga cannot be restored without a transformation in the capitalist economic system based on commodification, monetisation, extraction and exploitation.

4) ***Māori never ceded the right to make international treaties.*** Iwi and Hapū have never ceded the mana, authority and responsibility to treat with other states. International trade and investment agreements negotiated exclusively by the Crown are a denial of Tino Rangatiratanga and can prevent the exercise of fundamental Tiriti duties, responsibilities, rights and interests, such as kaitakitanga over our taonga. Māori have the right to decide what to negotiate, with whom, for what objective. It is our right as a sovereign people to determine what compromises to make, exceptions to insist on and whether the deal is tika.

We are committed to Kaupapa Education and Empowerment

A large part of our work is resourcing Māori communities to understand how Free Trade Agreements threaten our inherent rights as Māori. We currently have grants to work on digital, rongoā, creatives, hua parakore/GMOs, Te Taiao and the climate crisis, and constitutional transformation.

For example, ***Ngā Toki Whakarururanga joined Te Waka Kai Ora*** and the Papawhakaritorito Charitable Trust in April collaborated to co-host He Whenua Rongo Indigenous Seed Soil and Food Sovereignty hui in Tāmaki Makaurau on “Globalisation, free trade and post-capitalist economies”. See coverage [here](#) and talks by Ngā Toki Whakarururanga members [here](#). See our website www.ngatoki.nz for more kaupapa including Digital, [Hauora](#), [Te Taiao](#), [Creatives mahi](#), and [Wai 262](#).

Conclusion and Going Forward

This government aims to sign more Free Trade Agreements. Ngā Toki Whakarururanga will continue to challenge its denial of rangatiratanga in the international space and hold it to account for its obligations under Te Tiriti o Waitangi. As always, this is an uphill task.

Ngā Toki Whakarururanga is keen to partner with more communities and other roopu involved in the trade kaupapa so we can collectively build the understanding of hāpori Māori of the risks that FTAs pose.

If you are interested in what we do and would like to get in touch please visit our website at <https://ngatoki.nz/>

Ngā mihi nui,



Moana Maniapoto
Co-Convenor



Pita Tipene
Co-Convenor

15 May 2024

Appendix

Ko wai mātou?

Ngā Toki Whakarururanga operates through three tiers, mainly of volunteers:

Ngā Kaihautū are our leadership and governance body who bring a breadth of knowledge, experience and insights to the rōpū: Co-Convenors **Moana Maniapoto** (*Te Arawa and Ngāti Tuwharetoa*) and **Pita Tipene** (*Ngāti Hine*); **Donna Kerridge** (*Ngāti Tahinga and Ngāti Mahuta*), **Dr George Laking** (*Te Whakatōhea*), **India Logan-Riley** (*Ngāti Kahungunu ki Ngāti Hawea, Rongomaiwahine and Rangitāne*), **Potaua Biasiny-Tule** (*Te Arawa, Ngāi Tuhoē, Te Whakatōhea and Niue*), **Dr Jessica Hutchings** (*Ngāi Tahu, Ngāti Huirapa and Gujarati*), **Michelle Paki** (*Ngāti Porou and Rongowhakaata*), **Julie Paama-Pengelly** (*Ngāi Tuwhiwhia, Ngāi Tauaiti, Ngāti Tapu and Ngāi te Rangi*), **Peter-Lucas Kaaka-Jones** (*Te Aupōuri, Ngāi Takoto, Te Rarawa, and Ngāti Kahu*).

Ngā Pūkenga are the technical team with skills and knowledge in different matters: **Tania Pouwhare** (*Ngāi Tuhoē*), **Maui Solomon** (*Moriōri and Ngā Tahu*), **Annette Sykes** (*Ngāti Pīkiao, Ngāti Mākino and Te Arawa waka*), **Aroha Te Pareake Mead** (*Ngāti Awa, Ngāti Porou and Tūhourangi*), **Dr Carwyn Jones** (*Ngāti Kahungunu*), **Dr Jane Kelsey** (*Pākehā*), **Dr Veronica Tawhai** (*Ngāti Porou and Ngāti Uepohatu*), **Dr Karaitiana Taiuru** (*Ngāi Tahu, Ngāti Rārua, Ngāti Pāhauwera, Ngāti Hikairo, Tūwharetoa, Ngāti Hauti, Ngāti Whitikaupeka and Pākehā*), **Dr Maria Bargh** (*Te Arawa and Ngāti Awa*).

Ngā Kaimahi serve as the operational team behind Ngā Toki Whakarururanga's work: **Rhieve Grey** (*Ngāti Tūwharetoa, Ngāti Porou, Ngāti Raukawa*) serves as Te Hiwa and coordinator, **Sara Tara** (*Ngāti Hine*) as Tautiaki and administrator, and **Jess Tyson** (*Te Atihaunui-a-Pāpārangī*) is Te Manu Tukutuku in charge of communications.

We also acknowledge the Wai 2522 claimants Dr Moana Jackson, Angeline Greensill, Dr Papaarangi Reid, Robert Pouwhare, Hone Harawira, Rikirangi Gage and Moana Maniapoto, and the other nine claimant groups to the TPPA Tribunal inquiry.

Global context/Background

It is widely understood that Free Trade Agreements (FTAs) are agreements signed between nations to increase international trade between them. These agreements often include provisions for lowering “barriers” to trade such as tariffs and regulatory barriers. However, not widely known is that these agreement texts also include binding policy packages that extend far beyond the immediate provision of trade and deep into the regulation of other aspects of our lives. In the 21st century FTAs can contain policy provisions relating to the regulation of: intellectual property rights, investment rules, services trade, regulatory cooperation, labour standards, environmental protections, digital trade, competition policy, government procurement, and sustainable development.

The comprehensive nature of modern trade agreements means that they can act as extensions of corporate interests and the interests of richer, more powerful nations across

the world stage. Indeed, they can even give rise to the circumvention of a nation’s sovereignty in favour of a corporate agenda (e.g. Investor-State Dispute Settlement clauses can strip governments of power by prioritising the interests of investors over the priorities of nations and their citizens). Therefore, FTAs can have far-reaching impacts on our Tino Rangatiratanga over our taonga across a myriad of contexts, often extending deep into our everyday lives and practices as Māori. Historically these agreements have been entered into by the Crown without any input from Māori, nor any regard for our rights affirmed by He Whakaputanga and Te Tiriti o Waitangi.

Ngā Whaingā/Key Goals

Whaingā 1. To strengthen our foundations	Whaingā 2. Rangatiratanga in trade-related spaces	Whaingā 3. We will create and enhance strategic relationships
Ngā Aronga (Objectives)		
<ul style="list-style-type: none"> (a) We are fully sustainable (b) Our structures, systems and policies are robust (c) Our attitude is one of continuous improvement (d) We hold ourselves accountable to te iwi Māori, ngā tamariki mokopuna hoki (e) We will set the bar by providing high quality te Tiriti advice and analysis 	<ul style="list-style-type: none"> (a) Understand kaupapa Māori needs in trade-related spaces (b) Deliver education and empowerment programmes for Māori communities effected by trade agreements (Wai 2522) (c) To be a hub for discourse on rangatiratanga in trade-related spaces (d) Develop and implement a tikanga based trade approach 	<ul style="list-style-type: none"> (a) Iwi Māori whanui: implement 2(a)-(c) (b) Iwi taketake: advocating Indigenous-to-Indigenous relationships (c) Kāwanatanga: work in a mana enhancing relationship of equals (d) Māori entities in trade-related spaces: cultivate a cohesive approach