

**Toka Tūmoana  
between  
Ngā Toki Whakarururanga and  
the Ministry of Foreign Affairs and Trade  
regarding the Indo-Pacific Economic Framework Negotiations**

**1. Mediation Agreement between the Parties**

This Toka Tūmoana (relationship agreement and statement of principle) reaffirms the commitments in the Mediation Agreement between the parties, being the Wai 2522 claimants (Ngā Toki Whakarururanga) and the Ministry of Foreign Affairs and Trade (MFAT), signed on 2 October 2020 (the “Mediation Agreement”).

**2. Purpose**

The purpose of this Toka Tūmoana is to guide the application of the Mediation Agreement for Ngā Toki Whakarururanga and MFAT’s Trade and Economic Group, to ensure that Ngā Toki Whakarururanga has effective and genuine influence on the development of the proposed Indo-Pacific Economic Framework (IPEF). To that end, the parties:

- a) Reaffirm the Mediation Agreement’s overarching aspiration to develop a mana-enhancing relationship that gives effect to Te Tiriti o Waitangi/The Treaty of Waitangi, and establishes mutual respect and collaboration between the parties;
- b) Reaffirm their respective positions set out in the Mediation Agreement’s ‘Principles/kaupapa’ section, namely clause 2 for the claimants and clause 3 for the Crown;
- c) Will work together to identify Māori rights and interests, and the means for their effective protection and promotion in relation to the proposed IPEF;
- d) Will work together to develop, where appropriate with other rōpū Māori, the negotiation strategy and text for the relevant aspects of the proposed IPEF;
- e) Endeavour to ensure adequate time for each to fulfil these commitments, while acknowledging that on occasion time may be of the essence, and will work together in an expeditious manner to the extent that resources permit;

- f) Commit to exercising their best endeavours towards developing positions and texts on the relevant aspects of the proposed IPEF, but recognise that achieving that outcome also depends on the views and positions of other parties, including perspectives from other Māori entities and international partners;
- g) Acknowledge that the proposed IPEF will not expand or depart from existing commitments to Māori under te Tiriti/the Treaty, including through international instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA);
- h) Acknowledge that the proposed approach to IPEF will not depart from or operate in tension with domestic processes already underway in Aotearoa New Zealand, including to consider options for the UNDRIP's implementation; and
- i) Acknowledge that this Toka Tūmoana does not affect or add to the existing rights or obligations agreed between the parties in the Mediation Agreement.

### **3. Roles and Responsibilities**

The role of Ngā Toki Whakarururanga is to provide expert and strategic direction on Māori rights, interests, duties and responsibilities<sup>1</sup> in relation to the proposed IPEF. More specific Ngā Toki Whakarururanga responsibilities regarding this proposed IPEF work include:

- a) Work with MFAT, in conjunction with other rōpū Māori where applicable, on policy positions and text in relation to the relevant aspects of IPEF, provide expert and strategic direction on Māori rights, interests, duties and responsibilities on the proposed IPEF through each negotiation stage, and co-design with MFAT relevant New Zealand text proposals;
- b) Provide input on Māori rights, interests, duties and responsibilities, based on Kaupapa Māori and sourced in Te Tiriti o Waitangi/The Treaty of Waitangi and, from the perspective of Ngā Toki Whakarururanga, He Whakaputanga o Te Rangatiratanga o Nu Tīreni, in developing the proposed IPEF;
- c) Monitor its expectations in relation to this Toka Tūmoana;
- d) Ngā Toki Whakarururanga may, in conjunction with other rōpū Māori, engage directly with Indigenous Peoples from other countries participating in the IPEF negotiations, and MFAT will endeavour to facilitate that process, including through existing mechanisms, such as IPETCA and bilateral arrangements;

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<sup>1</sup> For the purposes of this MOU, reference to Māori and Māori rights, interests, duties and responsibilities are also deemed to include reference to Moriori and Moriori rights, interests, duties and responsibilities.

- e) Share information on the proposed IPEF with appropriate rōpū Māori and provide updates to Māori networks, except where precluded by the existing Confidentiality Agreement and Information Sharing Protocols. For avoidance of doubt, Ngā Toki Whakarururanga will consult with MFAT before sharing information externally; and
- f) Ngā Toki Whakarururanga is not prevented from making public statements related to Ngā Toki Whakarururanga's views on Te Tiriti o Waitangi implications of the proposed IPEF.

#### **4. Process**

- 4.1 The Ngā Toki Whakarururanga Co-convenors and MFAT's Deputy Secretary Trade and Economic Group will maintain an ongoing dialogue on the proposed IPEF in their monthly meetings, or as either considers necessary or appropriate.
- 4.2 MFAT will provide Ngā Toki Whakarururanga with regular updates on New Zealand's policy positions and the negotiating text in relation to relevant aspects of the IPEF.
- 4.3 Ngā Toki Whakarururanga will provide a Tiriti-based technical analysis on the proposed IPEF to MFAT in a timely manner.
- 4.4 MFAT will respond to that feedback and update Ngā Toki Whakarururanga on a regular and timely basis to enable Ngā Toki Whakarururanga to exercise meaningful and genuine influence over the proposed IPEF process.

#### Developing IPEF positions and text

- 4.5 Ngā Toki Whakarururanga will prepare positions on relevant aspects of IPEF that reflect the purpose of this Toka Tūmoana and provide those positions, and subsequent text based on them, to MFAT and appropriate rōpū Māori.
- 4.6 Ngā Toki Whakarururanga will endeavour to discuss these positions and subsequent draft texts with technical advisors from appropriate rōpū Māori and to agree any adjustments.
- 4.7 Consistent with paragraph 3(a), MFAT will ensure an ongoing interactive process with Ngā Toki Whakarururanga in jointly developing the proposed IPEF positions and texts to be presented to the other IPEF negotiating parties.
- 4.8 MFAT will provide input and outline any elements or areas where the Crown may not agree with the proposed positions and text. The parties will work together in a spirit of collaboration to reach consensus and agreement on the proposed IPEF positions and texts where possible.

- 4.9 Where MFAT considers that negotiating positions and proposed text for the draft IPEF exceeds New Zealand's domestic and international commitments, it will advise Ngā Toki Whakarururanga and discuss options to address those matters.
- 4.10 The parties will work together in a spirit of collaboration and mutual respect, and with appropriate rōpū Māori as appropriate, to reach consensus and agreement on the proposed IPEF positions and texts where possible. MFAT will represent these positions to the other parties for consideration at subsequent negotiating rounds.
- 4.11 MFAT will, as outlined in clause 13.6.1(c) of the Mediation Agreement, undertake its best endeavours to facilitate targeted opportunities for Ngā Toki Whakarururanga, in conjunction with other Māori rōpū as appropriate, to present to the other negotiating parties. Ngā Toki Whakarururanga will nominate its representative.

## **5. Information Sharing**

- 5.1 MFAT will maintain an open and transparent approach with Ngā Toki Whakarururanga to develop the proposed IPEF positions and texts. Where relevant MFAT will seek permission from other rōpū Māori to share any information received from them in relation to the IPEF with Ngā Toki Whakarururanga.
- 5.2 In the spirit of whanaungatanga, manaakitanga and kotahitanga, Ngā Toki Whakarururanga will maintain a flow of information with other rōpū Māori to ensure that they are fully informed of the analysis and direction provided to MFAT on the proposed IPEF, except where that is prevented by confidentiality requirements. To facilitate the process, MFAT will inform Ngā Toki Whakarururanga which rōpū Māori have adopted similar confidentiality requirements.
- 5.3 Ngā Toki Whakarururanga expects a reciprocal flow of information from those with whom it shares its analysis and direction. MFAT will request, but cannot compel, those entities to share their analysis and input with Ngā Toki Whakarururanga in return where necessary and on request.

## **6. No Surprises**

- 6.1 To the extent possible, the parties will uphold a kaupapa of 'no surprises' with each other.
- 6.2 Where the Ngā Toki Whakarururanga Co-convenors consider it necessary and appropriate to communicate directly with Ministers on the IPEF, they will share

that communication with MFAT's Deputy Secretary Trade and Economic Group and appropriate rōpū Māori.

## 7. Resourcing

- 7.1 Recognising the special nature and purpose of this Toka Tūmoana, the significance of the issues covered in IPEF, and the extensive work that Ngā Toki Whakarururanga will undertake, MFAT will treat this as a matter requiring one-off budget support pursuant to paragraph 9 of the Contribution Letter between MFAT and Nga Toki Whakarururanga dated 25 October 2022.
- 7.2 MFAT made a single, one-off contribution to Ngā Toki Whakarururanga to undertake this IPEF work. It will be for Ngā Toki Whakarururanga to allocate its time, resources, direction of effort and funding as it sees fit.
- 7.3 The contribution, payment arrangements and associated terms and conditions are outlined in a separate contribution letter dated 15 June 2023.

## 8. Status of this MOU

While the parties will use their best endeavours to meet their commitments under this Toka Tūmoana, they do not intend for it to be legally binding.

### Signed on 31 July 2023

Ngā Toki Whakarururanga

Moana Maniapoto (Co-convenor)



Pita Tipene (Co-convenor)



Ministry of Foreign Affairs and Trade  
Trade and Economic Group

Vangelis Vitalis  
(Deputy Secretary Trade and Economic Group)

