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TE AO PAKIHI: MĀORI ENTERPRISE PERSPECTIVES ON A NEW ZEALAND-UNITED KINGDOM FREE TRADE AGREEMENT



**Prepared for Ministry of Foreign Affairs and Trade
by Dr Jason Paul Mika**

HE MIHI

He hōnore, he kororia, he maungārongo ki te whenua, he whakaaro pai ki ngā tāngata katoa, tīhei māuri ora.

He mihi kau ana tēnei ki a koutou rā ōku tuakana e whakahaere ake nei i ngā kamupene Māori e tauhokohoko ana huri noa i te motu, otira ki tāwāhi hoki.

He uri o te waka o Mataatua e mihi ake nei.

E tika ana me mihi atu ki ō tātau tīni mate kua wehe atu ki te pō. Nā rātau ko mātau e takatū tonu ana ki rūnga i te mata o te whenua. E moe, e moe, e moe mai rā. Ko te hunga mate ki te hunga mate, ā ko te hunga ora ki te hunga ora. A tēnā tātau katoa.

Ka mihi atu ki te kaupapa, ko te kaupapa te whai wāhi hei whakatū he kirimana e whakawātea ai te tauhokohoko i a Aotearoa me Peretānia. Ka mihi ki Te Manatū Aorere, nā koutou i tono mai mō tēnei rangahau. He mea nui te kōrero ki ngāi tātau te iwi Māori kia mōhio, kia mārama, kia tika ai te mahi hei whai oranga mō ā tātau tamariki mokopuna.

Kati ake rā. Mauri ora ki a tātau.

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ABBREVIATIONS

AHC	asset-holding company
BERL	Business Economic Research Limited
CIP	cultural and intellectual property
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
FTA	free trade agreement
I2I	Indigenous to Indigenous (trade)
IP	intellectual property
IT	information technology
MBIE	Ministry of Business, Innovation and Employment
MFAT	Ministry of Foreign Affairs and Trade
MIO	mandated iwi organisation
NZ	New Zealand
NZIER	New Zealand Institute of Economic Research
NZTE	New Zealand Trade and Enterprise
NZ-UK FTA	New Zealand-United Kingdom free trade agreement
SDG	Sustainable Development Goals
SME	Small and medium enterprise
TFA	Trade for All
TFAAB	Trade for All Advisory Board
TPAA	Trans-Pacific Partnership Agreement
TPK	Te Puni Kōkiri
UK	United Kingdom
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
VAT	Value-Added Tax
Wai	Waitangi Tribunal report

GLOSSARY OF MĀORI WORDS

Aotearoa	New Zealand, land of the long white cloud
hapū	subtribe
iwi	tribe
kai	food, sustenance
kaitiakitanga	guardianship, stewardship
karakia	recite, ritual chant, pray, incantation
kauwae raro	terrestrial knowledge,
kauwae rūnga	celestial knowledge, cosmology
koha	gift
mana taiao	environmental wealth
mana tangata	social wealth
mana	power, authority, dignity, prestige, influence
manaakitanga	hospitality, kindness, generosity, support
mātauranga	knowledge
rāhui	temporary ritual prohibition
rangatira	chief, leader, noble, chiefly
rūnanga	council
taiao	environment
tangata	people, person, man
taonga tuku iho	treasure handed down, heirloom, legacy, cultural property, heritage
taonga	treasure, valued possession, something highly prized
tapu	sacred, sanctity, special
tika	correct, right, ethical
tikanga	culture, customs, values
tohatoha	share, distribute, spread around
tū	stand, stop, establish
utu	reciprocity, recompense, revenge

1. SUMMARY

This research, entitled *te ao pakihi*—the business world—set out to identify Māori enterprise perspectives on the New Zealand-United Kingdom free trade agreement (NZ-UK FTA) being negotiated by Ministry of Foreign Affairs and Trade (MFAT) officials and their UK counterparts. In their desire to uphold the Crown's obligations to Māori under the Treaty of Waitangi, to invoke some of the goals of the Trade for All agenda, and to meet commitments to Māori in trade policy following tribunal claims and the formation of the Te Taumata, MFAT wanted to be informed about Māori interests so that these could be reflected in the negotiations in real time.

MFAT commissioned this independent research into Māori enterprise perspectives in March 2021. The research was conducted between April and June 2021 and involved interviews with 50 Māori enterprises with varying degrees of exporting activity, and entity types and scales, including Māori small and medium enterprise (SMEs), Māori post-settlement governance entities (PSGEs), Māori corporates, and Māori providers, among others. Participants were identified and recruited through networks of the research team. Two forms of analysis and reporting were provided: first, a series of six batch reports each summarising the findings of five interviews,

with a total of 30 interviewees—the goal was to provide insights as the information came to hand so negotiators could incorporate Māori perspectives during negotiation rounds—and second, a final report with findings from another 24 interviewees, including three from the sixth batch report.

We found that that Māori enterprises see trade as more than an economic opportunity: they see the FTA as embodying a Treaty relationship that has significance because it is one with the original Treaty partner—the British Monarch. This relationship provides much cause for optimism among Māori about the potential for trade; however, it also provides cause for caution among Māori enterprises because of historical trauma, and concerns about the dangers of misappropriating and misuse of Māori cultural and intellectual property, and risks to Treaty and other rights. This can be addressed, according to participants, by ensuring Māori are represented at the (negotiating) table, Māori are involved in the implementation, operation, and evaluation of the NZ-UK FTA, and Māori enterprises are supported to build their capability to trade with the UK in a way that respects their identity as Māori enterprises and in accordance with a Māori way of doing business.

2. RECOMMENDATIONS

It is recommended that MFAT:

- a. **Note** that Māori enterprises define Māori business as one that identifies as Māori, with 50 percent or more Māori ownership, is committed to Māori values, and contributes to the well-being of others.
- b. **Note** that Māori enterprises characterise a Māori way of doing business as the philosophy and practice of Māori enterprise as they seek to be purpose-driven, values-based enterprises that opt into the Māori economy, which influences perceptions and engagement in trade.
- c. **Note** that Māori enterprises rationalise trade as a reflection of a Māori tradition of trading with one another and with the world, having both spiritual and practical value, as an extension of the relationships that sustain cultural and social ties among Māori and others.
- d. **Note** that Māori enterprises see trade with the UK as offering economic, social, cultural, historical, political, and entrepreneurial value, but expect inclusion, recognition as Treaty partners, and an equitable share in the benefits of trade compared with others.
- e. **Note** that Māori enterprises see challenges and opportunities of trade as a balance between concern about the economic costs and advantages of free trade with the UK and the political recognition and protection of Māori rights and interests.
- f. **Note** that Māori enterprises see much potential in inter-Indigenous trade, but not with the UK because of the absence of a recognised Indigenous people in the UK. Inter-Indigenous trade remains an undeveloped opportunity with and beyond the UK.
- g. **Note** that Māori enterprises see priorities for the FTA negotiators as ensuring a greater degree of inclusion (at the negotiating table), understanding of Māori perspectives, rights and interests, and support for Māori in the FTA negotiations process, its implementation, monitoring, and effect.

3. INTRODUCTION

3.1 Purpose

The purpose of this report is to present research findings of Māori perspectives on the New Zealand-United Kingdom free trade agreement (FTA), and trade policy more broadly. The intention was to provide trade negotiators with insights on Māori perspectives that they can incorporate into the negotiations as they are happening. The research was conducted between April and June 2021.

3.2 Background

The Ministry of Foreign Affairs and Trade (MFAT) commissioned Ace Consulting Limited (Ace) in March 2021 to undertake this research as an initiative under the NZ-UK FTA Māori Engagement Strategy, which seeks to create the space for Māori to engage in the trade conversation on terms that suit Māori. Additional research into Māori interests in trade is also under way, including analysis led by Te Taumata (Meade & Rice, 2021), and research into the interests of wāhine Māori and women in trade led by the Ministry for Women.

The research set out to produce a report that provides comprehensive insights into Māori interests in trading with the UK under a future NZ-UK FTA. This will include recommendations as to what interests the Government should seek to reflect in trade negotiations with the UK and trade policy generally. There was a clear expectation that the research would provide negotiators with insights in 'real time,'—in other words, as soon as the information was to hand—to ensure Māori interests were understood and considered as the negotiations were taking place. This expectation was reflected in the research methodology.

MFAT's engagement leading up to this research identified high-level Māori interests in the FTA, including Treaty provisions, Māori economy and trade in primary industries, services and digital trade, protection of mātauranga Māori and taonga works, sustainability, Māori small and medium enterprises, and women-led enterprises. Key groups, based on

engagement with Māori include: (1) Te Taumata—an independent group of Māori leaders in Māori development who are working together with MFAT on Māori priorities within trade policy and trade negotiations; (2) Ngā Toki Whakarururanga—a Māori body established following settlement of the Waitangi Tribunal claim (Wai 2522) to enable effective Māori influence on trade negotiations; (3) Federation of Māori Authorities—a national business association representing around 150 Māori authorities; and (4) Te Puni Kōkiri—Ministry of Māori Development.

3.3 About the researchers

The research was a collaboration between Ace Consulting director Dr Jason Paul Mika, independent researcher Miriama Cribb, and GHA partner Kirsten Rei, consulting manager Kererua Savage, and consultants Kateriina Selwyn and Nika Rikiriki. Dr Mika, an experienced kaupapa Māori business researcher, was the project leader, liaising with officials and stakeholders, leading data analysis and reporting. Miriama led the literature review and Ace interviews. GHA consultants conducted interviews with Māori enterprises and produced 'batch reports' summarising evidence and insights. Kaupapa Māori principles and Māori success are common priorities shared among the research team, who have previously successfully completed consultancy and research assignments together for Māori, industry, and government, and have extensive networks among the Māori business community. The expertise of the researchers is primarily in Māori enterprise development and Māori public policy, and in kaupapa Māori and qualitative research methods. An obvious limitation is that none of the team are trade specialists or actively and directly engaged in trade at an enterprise and policy level. MFAT had initially proposed engaging a trade specialist to work with us on the research. Once the research commenced, MFAT considered this unnecessary as the required expertise was an understanding of Māori enterprise and the ability to engage these networks to ascertain Māori perspectives.

4. TERMS OF REFERENCE

4.1 Research objectives

The research was designed and conducted according to terms of reference set by MFAT (see Annex 1). The research had two main objectives: first, to undertake research through a combination of detailed quantitative and interview-based qualitative analysis with a view to better understand Māori interests in trade, and reflecting these interests in the NZ-UK FTA negotiations, and trade more broadly; and second, to present the research in a publicly available report, outlining insights, interview findings from a broad range of Māori with an interest in trade, and recommendations aligned to the specific elements of the trade agreement currently being negotiated with the UK.

4.2 Context and rationale

The terms of reference outline the context of this research, specifically noting that:

- There is significantly heightened Māori interest in a NZ-UK FTA and a range of Māori perspectives unique to the relationship between the British Crown and Māori;
- MFAT prioritises the Māori-Crown relationship and outcomes for Māori exporters, trade underpinned by mātauranga Māori, honouring and protecting Treaty principles, and ensuring we maintain New Zealand's right to regulate in the public interest;
- Trade is a key driver of economic growth, and Māori enterprise is vital to the success of the economy and a contributor to New Zealand's value chains, capacity, and capability;
- Understanding trade outcomes that benefit Māori as Treaty partners both in business and communities is a key driver for our [Trade for All agenda](#), and in line with the [Trade for All Advisory Board recommendations](#) (TFAAB);
- This research is an initiative under the NZ-UK FTA Māori Engagement Strategy, which seeks to engage Māori in the trade conversation on terms that suit Māori; and
- Research into Māori interests in trade is also under way, including an analysis led by Te Taumata, and research on wāhine Māori in trade led by the Ministry for Women.

4.3 Research expectations

The research was expected to engage with around 30–40 interviewees with various interests. Moreover, specificity rather than generality as to Māori interests in the FTA and any trade-related gaps in FTA negotiations was desired. This included Māori interests in: (1) barriers to goods and services exports; (2) investment; (3) access to UK Government contracts; (4) digital trade and business conducted online; (5) intellectual property; (6) environmental protection and sustainable development; (7) offshore taonga, cultural tourism, language revitalisation, and broadcasting; and (8) preserving space for future policy interests, among other areas of interest to Māori.

Given the requirements, the researchers were expected to have an in-depth understanding of te ao Māori, mātauranga Māori, tikanga Māori, access to broad Māori networks, detailed knowledge of trade agreements and trade negotiations, and an understanding of known Māori interests in areas relevant to trade such as intellectual property, digital trade, and tourism. The research had high expectations: engage with Māori enterprise using culturally appropriate research methods; engage with agencies and Māori who have been closely involved in Māori and trade policy for a significant period; provide negotiators with 'real time' findings as negotiations were unfolding; acquire some grasp of trade policy and the free trade agreement content, process, and desired outcomes; and complete the research to a high standard and produce a publishable report by June 2021.

4.4 Deliverables

The key deliverables were: (1) interview-based research completed; (2) real time data on interviews provided to MFAT; (3) initial interview findings provided to MFAT; (4) draft report shared; (5) feedback provided to interview participants; (6) final report provided to MFAT; (7) report finalised and shared with participants; (8) webinar on report findings produced; and (9) an evaluation of how the research can inform broader trade policy.

5. METHODOLOGY

5.1 Kaupapa Māori business research

We adopted kaupapa Māori business philosophy to achieve the goal of this research—to ascertain Māori enterprise perspectives on the NZ-UK FTA and trade policy generally so that the FTA and trade policy reflect, include, provide for, and uphold as far as possible Māori rights and interests, Māori aspirations, Māori knowledge, Māori institutions, and Māori capabilities. At the core of the research, then, were the following principles: (1) te ao Māori perspectives—Māori world views are the basis for research design, performance, and analysis; (2) relationality—reciprocal respectful relationships with Māori are established and maintained; (3) Māori language and culture are legitimate means of engaging in knowledge generation and sharing; (4) the research should benefit Māori and serve Māori aspirations, priorities, and needs; (5) Māori ownership and control of their data, information, and knowledge is recognised and preserved; (6) the research is ethically sound, including obtaining informed consent and allowing participant withdrawal at any time for any reason.

A seven-stage research process was implemented (see Figure 1).

The quantitative component that was in the terms of reference did not form part of this research because the data was not available, and the agreed priority was obtaining a range of perspectives. The research, therefore, is a qualitative study primarily of Māori enterprise perspectives, but other stakeholders, including Māori and agencies, were also engaged.

FIGURE 1 SEVEN-STAGE RESEARCH PROCESS



5.2 Project planning

Project planning was a critical first step involving the team working with MFAT officials to define and agree the project processes, outcomes, and communication and reporting plan. We used this stage to engage early with key Māori organisations and agencies who have an interest in the NZ-UK FTA and Māori trade policy generally. This was an opportunity to inform stakeholders about the research, identify their expectations and how they wish to be involved, and to seek their support and advice. We approached Te Taumata, engaging with officials involved in the trade negotiation, foreign affairs and trade policy, as well as key agencies, including New Zealand Trade and Enterprise (NZTE), Te Puni Kōkiri (TPK), and the Ministry of Business, Innovation and Employment (MBIE). We produced a project plan detailing project aims, assumptions, current state, actions, timelines, reporting, risks, and resources. During this stage, we were briefed by the lead negotiator, deputy lead negotiator, and other chapter leads on what the NZ-UK FTA was about, its status, and specific information needs they had from this research. There was a genuine willingness among officials to share their perspectives and to learn about Māori perspectives, to receive advice and insights, and to be challenged on the content, process, and outcome of what they were doing. Ehara i te taringa mārō, e hē—he ngākau mahaki kē te ahua ahakoa he mangai a te kāwanatanga te mahi.

5.3 Literature review

A key expectation was that the research be informed by what is known and not known about trade, trade negotiations, the FTA, and Māori rights and interests in trade policy. We conducted a review of the literature to define the current state of knowledge on the NZ-UK FTA and to understand its context, content, process, and impact. A plethora of public documents were made available to us. We distilled this information into a form that interviewers and interviewees used to have an informed kōrero about the NZ-UK FTA (see Annex 2). The literature review forms an important section in this report, drawing on both academic and non-academic sources to highlight Māori perspectives on the business of trade and trade policy. The literature review covers historical and contemporary experiences of trade among Māori and the reasons for this, Māori involvement in trade policy, and Māori rights and interests in trade.

5.4 Research design

This stage produced a plan of the research philosophy, process, and intended outcome. While the research is intended to inform public policy, we approached it as systematic research to ensure the integrity of the process and outcome. We used kaupapa Māori research principles and practices. This approach is distinguished by its foundation in mātauranga Māori, tikanga Māori, and te reo Māori (Smith et al., 2012). Thus, the research must enhance what it means to be Māori and to be Māori in the business of trade and investment locally and internationally (Henry & Dana, 2019). We strove to ensure that principles of whanaungatanga (relationships), manaakitanga (generosity), kaitiakitanga (stewardship), and rangatiratanga (self-determination) were at the forefront of our research design and implementation by engaging with Māori throughout. We shared the research plan and extended invitations to kōrero with Te Taumata, New Zealand Māori Council, Māori Women's Development Incorporated, among others. We will share research findings with them and provide briefings on the research. We acknowledge their leadership and knowledge of te ao Māori, trade policy, and practice.

We adhered to university-level research ethics. These ethics emphasise participants' rights to control their participation, to give free and prior informed consent, not to be harmed in any way, and to have their culture, language, and identity respected, confidentiality preserved, and Treaty rights and interests recognised (Hudson et al., 2010). We developed an information sheet (Annex 2), consent form (Annex 3), and interview schedule (Annex 4) to support the ethical conduct of the research. The research primarily used qualitative methods, principally interviewing individual participants using online video calling (Zoom and MS Teams), phone, and face-to-face when in the office. The interviews were recorded with participant consent to facilitate transcription and analysis. Recorded interviews were uploaded to a secure file sharing site and transcribed by an independent Māori-owned and operated transcription company. Once checked for errors and completeness by the interviewers, transcripts were returned to participants to allow them to review the transcript and retain as a record of their mātauranga. Transcripts were analysed using NVivo software. This analysis focused on creating a coding structure based on the themes that emerged.

5.5 Recruiting participants

The ideal participants in this research were Māori entrepreneurs actively trading in the UK, or in other overseas markets, and directly involved in the exporting process, who had an understanding and an appreciation of the process. Beyond this very specific group, we were interested in having a kōrero with Māori enterprises that do business internationally, have done so, or intend to do so. The next category of participant are Māori enterprises who are willing to share their views about the nature of Māori enterprise and their view of the NZ-UK FTA and trade policy generally.

Most Māori enterprises do not export to the UK. The main markets for the goods and services exported by Māori enterprises are China, Australia, and the US (Statistics New Zealand, 2019). One of the ways to engage with Māori enterprises that export is through contacts within these firms and through agencies that support them, primarily New Zealand Trade and Enterprise. We have relied on working with known contacts in Māori enterprises that export, predominantly Māori business advisors that work with these enterprises. Thus, our research includes participants with trade experience, but this is not as widespread among the participants as we had hoped.

Our target was between 30 and 40 interviews. In the end, we interviewed 50 people. In qualitative research, this results in a significant volume of data, consisting of recordings, transcripts, interview notes, and interviewer observations and reflections. We attempted to capture these forms of qualitative data—interview notes, recordings, transcripts, and the sharing of verbal reflections—and document them. The research focused on two broad categories of participants: (1) Māori enterprises engaged in trade, or having an interest or intention to do so, with whom we have existing relationships. We compiled a list of 131 such enterprises and industry groups we worked through to secure interviews; (2) Māori groups with an interest in trade policy, including Te Taumata, Ngā Toki Whakarururanga, Federation of Māori Authorities, New Zealand Māori Tourism, New Zealand Māori Council, and Iwi Chairs Forum. MFAT officials provided a list of officials from other agencies and contacts at Māori organisations with whom they had engaged. We approached key agencies, including NZTE, TPK and Poutama, for assistance in engaging with Māori enterprises to participate in the research. We also used snowballing, a technique involving asking participants to identify, suggest, and refer us to other related people who might be willing to participate

in an interview. Neither of these strategies yielded many participants from the eventual 50 we interviewed, and the reasons for this should be evaluated.

5.6 Reporting and presentation

Communicating results in ways that are widely accessible, useful, and appropriate is the aim. We use four forms of presentation of the research: (1) six batch reports summarising findings from 30 interviews with Māori enterprises; (2) a comprehensive publishable final research report; (3) a short summary report for general distribution; (4) a webinar for general audiences with an interest in the NZ-UK FTA. To respond to the need for real time insights, we implemented a system of batch

reporting. This consisted of six short reports, with each report containing a summary of findings from five interviews submitted to the trade negotiations team soon after the interviews were completed. A total of 30 interviews were conducted and reported in this format by GHA. We relied on interview notes and recordings to compile these reports. The reports were immediately shared with the trade negotiators, which comprises an interagency team of around 35 senior officials. The reports were followed by verbal presentations given by the research team to reinforce key findings and to respond to questions. The batch reports were well received, providing a depth of analysis that officials found surprising and helpful not only in the trade negotiations, but also in trade policy generally.



6. LITERATURE REVIEW

This literature review is an integral part of research conducted to assist in the negotiation of a free-trade agreement (FTA) with the United Kingdom (UK). The literature review is organised into two parts: the first looks at trade generally, and the second looks at the opportunities, context, and content of the FTA. There is no review of the impact of COVID-19 on trade for Māori, though it would seem to be an aspect on which further research ought to feature because of the risk that it may stymie the benefits of an FTA with the UK. While the review's focus is on trade, it is not isolated from other complementary topics including, but not limited to, the Māori economy, Māori export, Māori business, Māori organisations, and Māori entrepreneurship. These are fundamental questions of the identity of the firms we engaged with in this research, and they help to explain why a particular focus on Māori enterprise is important in trade policy and this FTA in particular.

6.1 What is trade from a Māori perspective?

Early literature of the origins of trade for Māori was first made explicit in the notion of gift-giving, which evolved to exchange, then to transaction, and finally to distribution (Firth, 1929; Mead, 2003; Petrie, 2006; Waitangi Tribunal, 2006). An example of this is provided as early as 1794 in an historical account of Cook's visit to Mercury Bay, when gift exchange and barter developed into more complex trade relations with Royal Navy and merchant vessels (Waitangi Tribunal, 2006). However, as Petrie (2006) notes, there was no one Māori practice or experience that clearly portrayed how Māori performed trade. Two forms of gift-exchange among Māori included the economic, which focused on a transaction to acquire goods, and the ceremonial, which aimed to fulfil a wider social purpose (Firth, 1929). Another form of exchange depended not so much on differential natural resources but on the variations of technical skill displayed by certain tribes (Firth, 1929). And although exchange, especially of products, was a normal part of life (Mead, 2003), exchange in precolonial Māori society was spasmodic rather than regular (Firth, 1929).

English language sources help make sense of the different attitude toward trade amongst not only non-Māori but Māori as well (Petrie, 2006). Māori notions of trade are conceptualised through tikanga (Māori culture, values, and customs) and economic activity (Mead, 2003), economic lore (Firth, 1929), environmental and social wealth

(Davis, 2006), colonial discourses and colonisation (Pūkaitore Historic Reserve Board, 2020; Paterson, 2006; Petrie, 2002, 2006), civilisation (Hargreaves, 1963), European settlement (Coleman et al., 2005), wealth and possessions (Paterson, 2006), and entrepreneurship (Sautet, 2008). Trade, therefore, is not perceived in the literature as a stand-alone subject or activity, but is enveloped in life itself (Coleman et al., 2005; Petrie, 2006). exemplifies this through the concept of economic lore, which consists of the environment-culture-man relationship. This included climate, topography, vegetation, animal life, the nature of man, social structures, and the notion of work (Firth, 1929).

In Mead's (2003) view, tikanga is an element of economic activity. In the form of gift-giving and exchange, trade is practised within other Māori practices such as reciprocity, relationship building, manaakitanga, tika (good grace), tapu (sanctity), kai (food), koha (gift), utu (recompense), and taonga (something treasured). Davis (2006) adds the concept of tohatoha and reciprocity and conceptualises tikanga and the Māori economy through mana taiao, environmental wealth, which formed the basis of daily life, and mana tangata, measuring social wealth through human resources. "Sustainable subsistence was the economy, from which the returns were shared across the entire community" (Davis, 2006, p. 57). Similarly, as Dell et al. (2018) explain, the market existed within the social realm whereby the community kinship structures both drove trade and were the purpose for its existence.

6.2 History and involvement in trade

There are mixed results as to the exact time period when trade began for Māori. Coleman et al. (2005) argue that before 1840, little is known about the organisation of the pre-European Māori economy beyond the obvious fact that it was a mixed agriculture and hunting economy with rudimentary technology. Davis (2006) offers a different view, suggesting that prior to European arrival, there are many examples of international trade occurring between both hapū and iwi, which is supported by archaeological evidence (Sautet, 2008). Tribes gathered, hunted, fished, and harvested natural resources, crafted taonga, and also traded skill or labour across tribal territories. Orbell (1985) describes trade during the arrival of Māori to Aotearoa in terms of them living off and adjusting to their new environment. A domestic system of trade

and exchange existed prior to European contact, and large scale enterprises were generally managed by community leaders (Petrie, 2006).

The next key era was the arrival of Europeans, and, as a result, the Māori economy changed profoundly in response to new technology, the opportunity to trade, and the influx of European settlers (Coleman et al., 2005; Petrie, 2006). However, Hargreaves (1963) argues it is not wholly accurate to suggest that the process of trade began with the date of Europeans' first permanent settlement in the country. The influx of European explorers and traders had already initiated changes by their introduction of new crops, tools, and livestock, and by their willingness to purchase Māori-grown produce (Hargreaves, 1963). For Māori, from the time of Captain Cook's arrival, they demonstrated eagerness to trade and wanted to gain maximum benefit by quickly adopting new products and technologies (Davis, 2006; Petrie, 2006). "The rapid expansion of Māori commerce was not simply chance, but had been advanced by deliberate strategies in line with customary practice" (Petrie, 2006, p. 40). This too is noted by Davis (2006), who states that the ease by which Māori were able to enter into trade with the European appears to be extraordinary.

From the late 1700s, Māori experienced times of great economic growth and prosperity and implemented a market-based system to deal with the influx of immigrants who were largely traders, sealers, whalers, and missionaries (Davis, 2006). Described as the industrialised age, types of trade ranged from waged labour to European-dominated markets and industries such as logging, flax production, and domestic service; new crops and farming techniques, new food processing equipment including flour mills and sailing ships (Petrie, 2006); new transport equipment including large ships (Coleman et al., 2005); fishing, fishing vessels, and ports (Pūkaitore Historic Reserve Board, 2020); coastal trade and kauri gum (Paterson, 2006); fleets of trade ships (Tapsell, 2018); and exports of food to the regions and Australia, including oats, maize, and potatoes (Coleman et al., 2005; Frederick & Henry, 2004). Māori leaders visited Sydney, New South Wales, and traded with monarchs, governors, missionaries, and merchants (Petrie, 2006). Demand for Aotearoa-grown potatoes and grains gave rise to entrepreneurially minded Māori leaders (Tapsell, 2018). Since the arrival of the European, communication was a necessity for trade: "For some, there was a strong desire to learn more about their [European] ways as trade and exchange became the first form of communication between the two peoples" (Davis, 2006, p. 60).

By 1840, Māori had captured a considerable volume of trade and a healthy surplus of export over imports (Petrie, 2006). However, after the signing of the Treaty of Waitangi, trade with other countries had decreased significantly. The 1835 Declaration of Independence arose from this era of trade, initiated by northern leaders keen to protect their trade under their own sovereignty and, therefore, trade soon became about protection (Tapsell, 2018). Conflict over resources, likely a prominent catalyst for warfare (Petrie, 2006), and the land wars were fuelled by settler hunger for land (Frederick & Henry, 2004). Frederick and Henry (2004) argue that, to some degree, Māori entrepreneurial abilities were the subject of envy by Pākehā. By 1860, the Māori tipping point into the decline of health, economy, social engagement, political impact, and, not least, population size, became evident (Coleman et al., 2005; Tapsell, 2018).

The era of the 1930s was key for trade among Māori, where collectively owned Māori assets were put to commercial purposes, providing jobs and incomes and satisfying, to some degree at least, aspirations for Māori control of economic opportunities (Coleman et al., 2005). This was strengthened in the 1980s and 1990s by the transfer of assets to iwi under Treaty of Waitangi settlements, providing the basis for larger enterprises. During this phase, an increasing number of Māori enterprises and non-profit organisations were established in the service sector (Coleman et al., 2005). While not on trade specifically, Morgan and Mulligan (2006) note that the four key eras of the Māori economy include pre- and early-contact economy, land loss, urbanisation, and reforms and development from the 1980s, with the current period being the Māori economic recovery phase. Since urbanisation, concurrent literature has been produced on the Māori economy generally, with numerous reports written by organisations such as Federation of Māori Authorities (Consedine, 2007; Morgan & Mulligan, 2006), Business Economic Research Limited (BERL) (Nana et al., 2021; Rose, 1997; Schulze & Reid, 2019; Schulze & Sanderson, 2018), and the New Zealand Institute of Economic Research (NZIER) (2003, 2005, 2007).

6.3 What is a Māori enterprise?

Despite writing at length on the history of Māori enterprise and trade in the pre-contact era, Petrie (2006) does not explicitly define Māori enterprise. Despite this, trade in Aotearoa New Zealand during the 19th century very much corresponded with Māori enterprise (Harris & Tipene, 2006; Petrie, 2006), and, more specifically, with tribal enterprise. This

suggests Māori enterprise was an umbrella term to capture the varieties of Māori individuals and groups trading at any given time. Today, the term Māori enterprise still attempts to capture the multiple roles that Māori enterprises perform, particularly as it accompanies the broader political scope of what is required from Māori enterprises (Bargh, 2018). This diversity is explored by Amoamo et al. (2018), who argue that the traditional, neoclassical capitalist definition and discourse of the Māori economy and Māori enterprise is problematic. This is because defining Māori enterprise as akin to the profit-making wealth-accumulating firm that had evolved out of industrialised Europe contradicts the heterogeneity of how Māori think about themselves, their modes of social organisation, the resources available to them, their connection to those resources, and, therefore, how they use those resources. Harmsworth (2005) expands on this contention, stressing the importance of understanding traditional Māori values when characterising Māori enterprise.

Although historically, the literature has not given a conclusive definition of a Māori enterprise, recent attempts have been made to articulate salient characteristics of a Māori organisation such as those outlined by Mika and O'Sullivan (2014) and Mika, Fahey, et al. (2019). They find that the identity of Indigenous enterprise in Aotearoa New Zealand is primarily contingent upon ownership and cultural identity. The need to capture robust data is complicated by the difficulty in accounting for 'what is a Māori business' (Mika & Ross, 2019). When defining the Māori asset base, Nana et al. (2011) argue that Māori enterprise includes self-employed Māori, Māori employers, and entities that own and manage Māori assets such as Māori land trusts and incorporations, post-settlement governance entities, mandated iwi organisations (MIO), and iwi and rūnanga holding companies. Nana et al. (2015) later extend that bracket to include service providers such as Māori health and social services and other similar entities. For small to medium enterprises, without defining Māori enterprise, Ruwhiu et al. (2021) argue that enterprise owners' values, often Māori values, impact decision making.

Māori enterprises are those Māori authorities confirmed through Inland Revenue whereby 50 percent of the Māori authority is owned by Māori, supports the authority's business and social activities and/or builds or sustains a Māori authority's asset base (Schulze & Sanderson, 2018). A team of officials and Māori practitioners, business leaders, and experts at Statistics New Zealand are presently making a concerted attempt at defining Māori enterprise, with implications for official

data collection and public policy, extending the department's reports on Māori business statistics—tatauranga umanga Māori (Statistics New Zealand, 2012, 2014, 2016, 2019). In short, there are no easy answers when it comes to defining Māori enterprise (Mika, Fahey, et al., 2019). Suffice to say, for the purposes of this research, Māori enterprise is defined as an enterprise that self-identifies as Māori, is 50 percent or more owned by Māori, implicitly or explicitly operates according to Māori values, and contributes in some way to the collective well-being of Māori—consistent with the definition advanced by Mika, Fahey, et al. (2019). This definition is inclusive of all manner of entity type, legal form, and scale Māori entrepreneurs and Māori business owners typically employ to do business and to trade, which also negates specifying an exhaustive list of ancillary features.

6.4 What is a Māori trade policy?

Historically, the concept of trade policy was not necessarily defined in terms of trade. For Māori, trade was instead bound up in a system of Māori principles or tikanga Māori, which governed Māori relations with each other and with the wider world, including relations centred on trade. Māori followed customary patterns that evolved over aeons (Petrie, 2006), where principles of mātauranga Māori, kaitiakitanga, and tikanga were paramount (Mead, 2003). Traditionally, hapū occupied an area of land and controlled a number of resources, such as mahinga kai (seafood gardens and other regular sources of food), specific fishing grounds, wetlands, and forest lands (Reid & Rout, 2016). The leader of the hapū was the chief and his primary role was to ensure the survival of his people and the protection and defence of the land and its resources (Mead, 2003; Petrie, 2006). While portrayed as 'magic' in some instances, culture included the notion of tikanga, where tapu, rāhui, and karakia were all part of protection and economic practices (Firth, 1929). "Tikanga comes out of the accumulated knowledge of generations of Māori and is part of the intellectual property of Māori. The knowledge base of tikanga is a segment of mātauranga Māori" (Mead, 2003, p. 15). Customary systems operated more easily and for a longer period of time between Pacific peoples; however, the arrival of Europeans impacted dramatically on traditional ways of doing things (Petrie, 2006).

As noted earlier, trade had early origins in the notion of subsistence and sustainable subsistence life (Davis, 2006; Hargreaves, 1963; Mahuika, 2006; Paterson, 2006), and rather than being a stand-alone activity, for Māori, trade had its origins in life

and living through the supporting of oneself (Orbell, 1985). “For the first part of the twentieth century the Māori economy was primarily subsistence based. By subsistence it is meant that communities were largely self-sufficient, although there would have been some activities for the purpose of generating cash for needs that the local economy could not supply” (Easton, 2018, p. 16). Paterson (2006), however, notes that although food production and gathering was vital to the economics of pre-contact Māori society, its importance related not merely to sustenance but to mana, manaakitanga, reputation for hospitality, and maintaining links and relationships.

Today, for Māori, some of those key principles are still being advocated through mechanisms such as the ‘Trade for All’ agenda (Trade for All Advisory Board, 2019). Although it targets all New Zealanders, some of the agenda’s core features resemble concerns shared by Māori, which are elaborated below. For now, these concerns include the need to think broadly about the interconnectedness of productivity, sustainability, and inclusiveness; recognition of the transformation required to meet the challenges of the 21st century; and a strong emphasis on partnership with Māori under te Tiriti o Waitangi. In their submission to the Trade for All Policy, Waikato Tainui believe their rights and interests arise under the 1995 Waikato Raupatu Lands Settlement, the 2008–2009 Waikato River Settlement, rights and interests according to tikanga and customary law, rights and interests arising from common law, and rights and interests under the Treaty of Waitangi and its principles and provisions (Paki, 2018).

6.5 The reasons for trade then

Trade was dependent on what was going on at the time, impacted by key historical events such as colonisation, land loss, assimilation (Harris & Tipene, 2006), and challenges of settler survival and prosperity (McCreanor et al., 2011). The contact period during the early 1800s saw a number of key features emerge that would greatly change the state of tribal affairs. Involvement in trade changed the Māori economy and resulted in Māori adopting new practices to accommodate trade, which impacted on the social structures and mana whenua (Henry, 2007; Paterson, 2006). The transition between pre- and post-contact with European culture was about survival and manaakitanga, but it was also impacted by, and impacted on, social structures (Petrie, 2006).

Paterson (2006) notes the notion of improvement and civilisation going hand in hand where Māori were instructed to improve themselves, their

settlements, and living areas. “Improving their attitude to work would result in Māori acquiring greater wealth, thus Māori were encouraged to participate in the market economy to help New Zealand become rich” (Paterson, 2006). Easton (2018) makes a similar observation when wool dominated the New Zealand economy and the Māori provided critical labour. Wool provided the foreign exchange that was vital for paying for the imports needed for the nation’s high standard of living, for the investment goods it needed to grow, and to service past overseas borrowing (Easton, 2018). Davis (2006) notes that the industrial period gave way to an evolving manufacturing sector. During this time, the assimilation period of Māori into the new world was evident and influenced by the new environment because of loss of a resource base, tribal values, and systems (Davis, 2006).

Sinclair (1952) notes that Māori needing European government is not the whole truth, but rather is a comfortable view because it avoids recognition of the existence of both anti-European and anti-Māori sentiment. Coutts (1969) notes that the rapid assimilation of new economic practices led to a series of coherent changes for Māori in the social, technological, and economic aspects of the sociocultural system. Particularly, Māori quickly learned, absorbed, and practised European concepts of trade and commerce (Coutts, 1969). Because of this, Sautet (2008) noted that the adaptation of Māori institutions to their European counterparts made Māori able to withstand the initial stages of colonisation comparatively well. However, this could be perceived as a survival tactic to withstand the impact of colonisation. “The adoption of Pākehā technology and moves towards Pākehā ways of doing things were in many ways the inevitable consequence of colonisation” (Petrie, 2006, p. 156), and therefore were not necessarily the reason for trade, but the outcome of trade.

As cited in Reid and Rout (2016), Head concluded that trade was the first civil relationship Māori established with foreigners. The pre-existing cultural practice of trade meant that Māori understood supply and demand, which was another necessary precondition in supporting Māori commerce and, in turn, rapid economic growth following European contact (Reid & Rout, 2016). In doing this, though, Māori moved away from their traditional systems, which contributed to the downturn in economic fortunes (Petrie, 2006). According to Petrie (2006), settler determination to thwart Māori commerce not only politicised Māori but adversely affected the colony’s economic viability. Māori chiefs demonstrated a business-like approach, albeit in

ways that accommodated their own world view. The political power of Māori leaders depended on the extent of their resources, which, ultimately, were their people, their land, and their mana whenua (Petrie, 2006).

6.6 The reasons for trade now

The reasons for trade now are still relatively concerned with the ongoing recovery from colonisation, particularly as it refers to advancing Māori aspirations (Kawharu & Tapsell, 2019). There has been a resurgence of cultural wealth, with unique opportunities to transmit new messages about our people to the global market (Davis, 2006). The major part of the Māori asset base, however, remains in the hard assets, land and sea (Callaghan, 2009; Frederick & Henry, 2004), with meat and dairy exports leading the Māori export economy as of 2018 (Schulze & Sanderson, 2018). And although the Māori economy is export-dependent because it has a dominance in commodities (Mika & Ross, 2019), the Māori asset base is continually growing and diversifying (Nana et al., 2021; Schulze & Sanderson, 2018). This will set up Māori enterprises to play an increasingly important role in New Zealand's exports and trade (Schulze & Sanderson, 2018). Furthermore, it will become part of a bigger picture, whereby the Māori economy will be the key to Māori well-being and will play a significant and increasingly important role to the wider economy of Aotearoa (Nana et al., 2021). As Māori embark on the entrepreneurial journey, the successes do not exist in isolation from broader realities, which sometimes tell the opposite story (Kawharu & Tapsell, 2019). As a result, whānau and communities are faced with a new set of circumstances, especially in the post-settlement era, and are experiencing unprecedented phases of economic and social development which must go hand in hand (Kawharu & Tapsell, 2019). For this reason, the process of Treaty claims to the Waitangi Tribunal represents an important economic variable through which whānau, hapū, and iwi can obtain redress that can help restore their economic base (McCreanor et al., 2011).

6.7 What is our future potential in trade?

Despite the Māori asset base continually growing and diversifying (Nana et al., 2021; Schulze & Sanderson, 2018) and being well documented (Morgan & Mulligan, 2006), with the increased potential comes an increased responsibility for Māori to ensure their assets are utilised productively (Nana et al., 2015). Additionally, business will continue and iwi will have to accept and confront the risk of failure, which is the price Māori will pay for the

right to control their own affairs (Mahuika, 2006). For example, the realisation that the Māori cultural heritage is an economic asset has increased and diversified the interest of Indigenous peoples in having some form of self-determination over such trade (Lai, 2010). Although the post-settlement phase has seen a cultural renaissance that builds pride and respect for culture and traditional values, it struggles to successfully achieve material change (Webster, 2002). Therefore, the value of asset holding lies more in the ability to generate higher incomes, more jobs, better outcomes, and ultimately improved well-being for iwi, hapū, and whānau Māori (Nana et al., 2021).

Many Māori businesses face the challenge of balancing financial imperatives with broader social, cultural, and environmental goals, and it is critical that Māori branding is protected and used with integrity to maintain its cultural and economic value (Harmsworth, 2009). Although there are statements that challenge Māori entrepreneurs to decide between cultural and economic values (Foley, 2008), there are attempts to achieve both, and, more so, a surge back to traditional practices of business that acknowledge the spiritual connection and custodianship (Harris & Tipene, 2006). However, again, globalisation and free trade are not risk-free, and therefore taonga Māori are vulnerable to exploitation, despite having the potential to produce new and exciting opportunities (Reihana et al., 2006). While Māori expansion is moving beyond the hard assets and is starting to be concentrated in commercial and residential property investing, television, motion picture, and radio services (Frederick & Henry, 2004), the ability for Māori to utilise new knowledge becomes critical when economic and social development is increasingly linked to the trade in ideas rather than merely the trade in goods and services (Sautet, 2008).

Māori understood the Treaty to be one of partnership, reciprocal obligation, and mutual benefit, with the guarantee of rangatiratanga ensuring autonomy over their own affairs (Petrie, 2002). The economic benefits predicted from that arrangement were short-lived and resulted in a cautious approach to trade and business: "The colonial past have made many Māori communities wary of dealing with Crown agencies, a legacy of distrust on the part of Māori, and paternalistic policies on the part of the Crown, seriously impeding mutually beneficial relationships" (Frederick & Henry, 2004, p. 127). The loss of land certainly had a detrimental impact on the Māori economy and would prove much more significant in the future as the rate and extent of loss escalated (Petrie, 2006).

Therefore, at the heart of business lies a progressive move by Māori to achieve economic prosperity *and* self-determination (Harmsworth, 2009). Finally, as (Dell et al., 2018) conclude, enhancing our understanding of where we want to go will ultimately support the development of alternative economies that will better provide for Māori aspirations in cultural, social, and economic realms.

6.8 Free trade agreements

Free trade agreements (FTAs) are used to set the rules for how countries treat each other when engaging in business (Ministry of Foreign Affairs and Trade, 2021a) and have been used by governments since the World Trade Organization (WTO) was established in 1995 (New Zealand Institute of Economic Research, 2017). Initially, FTAs were regarded as primarily offering New Zealand better trading opportunities (Kawharu, 2016), acting as enabling devices to provide pathways for business and to secure benefits from those agreements (Meade & Rice, 2021). Some advantages include securing trade preferences to level the playing field and to make international trade as smooth as possible (New Zealand Institute of Economic Research, 2017). However, FTAs tend not to explicitly address trade issues that may affect significant parts of society, such as Indigenous peoples (New Zealand Institute of Economic Research, 2017), and therefore create no positive obligations on either the Crown or the FTA partner country to advance Māori interests unless this is specifically agreed to (Meade & Rice, 2021).

Meade and Rice (2021) argue that although FTAs include provisions that enable them to evolve as specific changes in circumstances arise, in most cases Māori have no specific or dedicated voice in the process of change. Of particular note is the highly controversial Trans-Pacific Partnership (Kawharu, 2016; Kelsey, 2018), the eleventh FTA signed by New Zealand. Both Kelsey (2018) and Kawharu (2016) argue that the key opposition for Māori was the Treaty clause, with evidence clearly showing a denial of Māori independent authority under te Tiriti o Waitangi and rights over taonga, including natural resources, Indigenous knowledge, and well-being. Kawharu (2016) suggests that the increasing politicisation of FTAs may be damaging to New Zealand's long-term interests if New Zealand's Treaty-making programme becomes less stable.

This has resulted in an overwhelming response by Māori, with the following significant events and key documents identifying their interests in trade to date: Wai 262, a Waitangi Tribunal report into

claims concerning Aotearoa New Zealand law and policy affecting Māori culture and identity (Williams et al., 2011b); Wai 2522, a Waitangi Tribunal report on the Trans-Pacific Partnership Agreement (TPAA) (Waitangi Tribunal, 2016); a report on Māori exports, current and potential trade with Pacific Alliance countries, prepared by Business and Economic Research Limited (BERL) (Schulze & Sanderson, 2018); a report on the EU-NZ FTA, also prepared by BERL (Schulze & Reid, 2019); the establishment of Te Taumata, and, consequently, a memorandum of understanding between Te Taumata and Ministry of Foreign Affairs and Trade (2019); the Trade for All Advisory Board (2019) report; the establishment of a Māori entity initially called Ngā Toki Whakarururanga (Waitangi Tribunal Claimants & Ministry of Foreign Affairs and Trade, 2020); and, most recently, the report identifying Māori interests in a United Kingdom/New Zealand FTA commissioned by Te Taumata (Meade & Rice, 2021).

6.9 Treaty of Waitangi and free trade agreements

The core of Māoridom's response to trade policies and FTAs goes beyond upholding the Treaty of Waitangi, but stretches back to colonisation (Petrie, 2002, 2006; Tapsell, 2018) and the distrust Māori have towards the Crown (Frederick & Henry, 2004). According to Petrie (2006), the purpose of the Declaration of Independence was to frame laws for dispensation of justice, preservation of peace and order, and the regulation of trade. Following that was the drafting of the Treaty of Waitangi; as Tapsell (2018) argues, colonisation and civil wars, which caused economic and social breakdowns among Māori, resulted in protections provided by articles two and three of the Treaty. The differences in wording between the Treaty and te Tiriti (Horsfield & Evans, 1988), and inaccurate translations of key words, resulted in the Treaty not being a legally convincing document (Walker, 1984). With Māori losing their sovereignty as a result, the focus of the Treaty of Waitangi today is about building a future on the special relationship between Māori and the Crown (Jurado & Mika, 2021, submitted).

That, however, has not come easily, with the Treaty of Waitangi clause in FTAs remaining a contentious issue for Māori, especially with regard to consultation and protection (Kawharu, 2020). New Zealand has sought to protect Māori interests and to fulfil its obligations to Māori under the Treaty of Waitangi by negotiating the inclusion of a 'Treaty of Waitangi exception' in each of its FTAs (Kawharu, 2020). The clause, intended to protect Indigenous rights and interests in land and cultural

and intellectual property, continues to be challenged by Māori on the ground that there has been no real partnership between the Crown and Māori when it comes to developing trade policy (Jurado & Mika, 2021, submitted). Kawharu (2016, 2020) has written extensively on the Treaty clause, with her key points being summarised in the following way: Crown seeing Māori as no more than potential economic stakeholders rather than as Treaty partners; lack of public consultation, in particular with Māori; both principled and practical concerns regarding the Government's approach to safeguarding Māori interests through the clause; interpretive issues; and a flawed process involving Māori which has not kept pace with changes in New Zealand's FTA practice. Despite this, the Government has regarded the exception as sufficient, even in relation to the more recent and more expansive FTAs (Kawharu, 2020).

The dissatisfaction with the clause resulted in a Waitangi Tribunal (2016) claim to inquire whether or not the Treaty of Waitangi exception clause is an effective protection of Māori interests in regards to the then Trans-Pacific Partnership Agreement (TPPA). The Waitangi Tribunal (2016) concluded that the exception clause will likely operate in the TPPA substantially as intended and, therefore, can be said to offer a reasonable degree of protection to Māori interests. The tribunal (2016) further asserts that the development of the Treaty exception clause, and its successful incorporation in the Singapore FTA, and every FTA since, demonstrates leadership and is to the credit of successive New Zealand Governments. Therefore, the tribunal did not find a breach of the principles of the Treaty of Waitangi. In their submission on the Trade for All policy, Waikato Tainui argued that uncertainty remains with respect to the interpretation of Treaty exception clauses, and they remain unconvinced by the Crown's position that the absence of a judicial test shows its effectiveness (Paki, 2018).

While this literature review is not specifically focused on the TPPA, there are lessons that can be carried over into other FTAs, as the tribunal, despite their findings, concluded that they still had concerns (Waitangi Tribunal, 2016). At the heart of those concerns was that New Zealand's entry into the TPPA would diminish the Crown's capacity to fulfil its Treaty of Waitangi obligations to Māori. But the core issue for the inquiry was what the actual Treaty exception does or does not do, rather than what it could or should be (Waitangi Tribunal, 2016). Kawharu (2020) observed that during the inquiry, claimants proposed replacing the exception with an exclusion, because an exclusion would provide Māori with the highest level of protection. It would

mean that the FTA does not apply to the measures covered by the exclusion. It would limit any dispute resolution proceedings by placing the onus on the claimant investor or state to establish that the exclusion does not apply, whereas New Zealand has the burden of establishing the application of the Treaty exception (Kawharu, 2020). However, because exclusions are uncommon in FTAs, the second option would be to amend the text of the existing Treaty exception. This would be less robust, but practically it may be easier to convince the New Zealand Government to pursue this option (Kawharu, 2020).

6.10 Māori rights and interests in a free trade agreement with the UK

The 'flora and fauna' claim (or Wai 262) lodged with the Waitangi Tribunal in 1991 relates to Aotearoa New Zealand's law and policy affecting Māori culture and identity (Williams et al., 2011a, 2011b). The claim, which centres on mātauranga Māori (Māori knowledge), found that the law provides no particular recognition of the rights and interests of iwi and hapū communities in their traditional knowledge, or of the relationship between those communities and their culturally significant species of flora and fauna. In terms of trade, the concern is that control has been taken from them by laws and policies that have allowed, for example, the haka to be used in foreign television advertisements; tā moko being used to sell high fashion in Paris; private companies using traditional knowledge about the properties and uses of Indigenous plants and animals without acknowledgement or consent; the dialects of individual iwi to fall into decline through lack of official support or protection; and iwi and hapū to be denied a say in the management of fauna of which they see themselves as guardians, and denied access to the last surviving remnants of the environment in which their culture evolved (Williams et al., 2011a, 2011b).

Māori possessed a strong property rights structure, where resource rights were conferred to users via four means: ahikāroa (occupation and use), tāketuku (an acceptable fee for the temporary access to resource), raupatu (conquering of new territory and therefore resources), and whakamoe (rights to resources via marriage) (Reid & Rout, 2016). They argue that instead of analysing Māori rights, we should instead be asking what the economic structure was that gave rise to Māori rights being acquired resulting in economic growth (Reid & Rout, 2016). These sentiments have been shared by others, stating that there are few or no legal mechanisms, and where there are, these do not

adequately guarantee protection (Lai, 2010; Reihana et al., 2006). Lai (2010) continues to note that a particular problem with international appropriations of Māori cultural heritage is that they are very difficult to prevent, even if protection is sought by the New Zealand Government. The principal difficulty here lies in cultural capital—that is, the unique identities of whānau, hapū, and iwi—which is expressed through different tikanga, kawa, mātauranga, dialects, and whakapapa, and not able to be easily measured by Eurocentric frameworks (Nana et al., 2021). Another difficulty also relates to exclusive individual ownership rights which conflict with Māori collective ownership rights (Reihana et al., 2006).

Essentially, the statements regarding Māori cultural rights can be traced back to the different characteristics and ways of doing business for Māori and Western organisations, as outlined by Mika and O'Sullivan (2014). Māori consider themselves to be kaitiaki (guardians of the land), and for centuries have had their own systems of preserving, protecting, and disseminating knowledge, skills, and resources (Reihana et al., 2006). And while initiatives such as Toi Iho and the Māori Trademarks advisory committee offer some protection, much of the taonga and mātauranga fail to meet the copyright test of originality, and, in some cases, fail the patent requirement of novelty or newness (Reihana et al., 2006). As a result, the protection of mātauranga Māori and taonga works becomes paramount, yet problematic. The role of culture and indigeneity in trade has been documented by authors including Mika (2014) and Mika and Ross (2019), who conclude that Indigenous culture facilitates international business and trade, but it must be matched with commonality and mutual respect. If not, we will continue to see avenues pursued whereby claimants seek to preserve their culture and identity, and the relationships from which their culture and identity derive, through the Waitangi Tribunal (Williams et al., 2011a, 2011b).

6.11 Māori participation in trade policy

Despite the sparse attention given to Māori perspectives in the development of trade policy, Māori have an engagement with international trade that predates the establishment of Aotearoa New Zealand, that was grounded in Māori values and attitudes (New Zealand Institute of Economic Research, 2017). As Treaty settlements are enabling iwi to grow their economies (Mika, Smith, et al., 2019), Māori participation in trade policy becomes more critical (Jurado & Mika, 2021, submitted). In their study of Indigenous entrepreneurs' values, export practices, and perspectives on trade policy

in Aotearoa New Zealand, Jurado and Mika (2021, submitted) conclude that when developing trade policy, a long-term view, beyond simple transactional commercial arrangements, is necessary. Ultimately, Māori engagement with trade issues is essential because trade agreements can affect the ability of Māori organisations to control taonga and exercise tino rangatiratanga, which leads to greater opportunities for Māori exporters (Trade for All Advisory Board, 2019). Beyond participation and engagement, a new narrative is needed on trade, because trade itself has changed and it is timely to remind ourselves why trade matters (New Zealand Institute of Economic Research, 2017). The need for a new narrative is due in large part to the concerns of a fair portion of the public, not just those of Māori, about trade liberalisation and the fact that the benefits of trade are not evenly shared (New Zealand Institute of Economic Research, 2017).

Five years after the Wai 2522 claim was lodged outlining issues with the TPPA, both the Waitangi Tribunal Claimants and Ministry of Foreign Affairs and Trade (2020) issued a joint press release announcing an agreed outcome to address engagement on trade negotiations, secrecy, and the Crown policy of confidentiality in trade negotiations. As a result of this outcome, a Māori body, tentatively named Ngā Toki Whakarururanga, will be created whose role is to develop a process of engagement, conduct or commission independent Tiriti impact assessments, proactively identify matters with taonga and rights, develop relationships, and promote mutual education (Waitangi Tribunal Claimants & Ministry of Foreign Affairs and Trade, 2020). Te Taumata, the Government's first port of call for trade discussions with Māori, responded to the establishment of a new body. It stated that the work from this point should focus on the fact that the efforts and views of various Māori groups are complementary and consistently taken forward to Government ("Te Taumata welcomes claimant-led trade group," 2020). Te Taumata, a group of recognised leaders in Māori socio-economic and cultural development areas, are chosen by Māori to engage with the Ministry of Foreign Affairs and Trade on trade policy and related matters (Te Taumata & Ministry of Foreign Affairs and Trade, 2019).

In addition to the two advisory groups for Māori are policies and policy provisions that indicate not only Māori participation in trade but input and intended outcomes. One of these outcomes is the report of the Trade for All Advisory Board (2019). The report identifies te ao Māori as a stand-alone unique part of our country's offering to the world, including the language, values, and cultural practices. The

report also identifies particular Māori interests that must be addressed with high levels of mutual trust and confidence, including extreme cultural and economic sensitivity around intellectual property. Of most significance is how the Crown engages Māori on trade, committing to a relationships of equal power sharing that fulfils the principles of te Tiriti and provides a fuller implementation of its existing Māori engagement strategy (Trade for All Advisory Board, 2019). Other attempts include international commitments such as the 2007 United Nations Declaration on the Rights of Indigenous Peoples (Mika, 2018) and the need to ensure that the economic and commercial interests of Māori are reflected in the Government's negotiating approach on trade (Jurado & Mika, 2021, submitted). Jurado and Mika (2021, submitted) contend that policy support for exporters can be enhanced by understanding Māori exporting practices—for example, a strong sense of identity, investing in long-term relationships, and cultural competency, which can lead to more comprehensive trade policy, such as the Digital Economy Partnership Agreement.

Submissions to the report and policy were received, including from the (New Zealand Council of Trade Unions, 2018), who argued that engagement with Māori should include workers, not just leaders. Waikato Tainui were concerned that TFA and related trade agreements might constrain the Crown's ability to respond to the future outcomes of the Wai 262 claim (Paki, 2018). They argued that the provisions within TFA must protect, not pre-empt, the outcomes of Wai 262, which need to be resolved and implemented with input from iwi as the Treaty partners (Paki, 2018). The New Zealand Institute of Economic Research (2017) noted two important elements impacting on Māori exporters. The first is a generalised trade principle known as the non-discrimination principle, which states that a country should not discriminate between its trading partners, and it should not discriminate between its own and foreign products, services, or nationals. The non-discrimination principle has led to concerns over the protection of customary rights and Indigenous knowledge, and, above all, the potential loss of the unique status of Māori as tangata whenua (Bargh, 2011). The second element is a New Zealand-specific principle, what has come to be known as the Treaty of Waitangi exception, which has been touched on earlier.

Of particular concern for trade policy is the matter of intellectual property, which is no new issue, whether it is tikanga Māori or food quality (Trade for All Advisory Board, 2019). Since a significant proportion of such misuse occurs overseas, often

without infringing any specific laws in the country where it is occurring, there is a role for our diplomats to support Māori efforts to protect their taonga (Trade for All Advisory Board, 2019). However, the only solution seems to be to always consult with Māori before appropriating aspects of their cultural heritage (Lai, 2010). There is evidence that more meaningful engagement is occurring at the policy level—for example, with New Zealand and the United Kingdom having informative sessions on intellectual property focused on the objectives of each party (Te Taumata & Ministry of Foreign Affairs and Trade, 2019). The Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples provided an internationally recognised framework for considering Indigenous rights, but did not get wide recognition in New Zealand (Trade for All Advisory Board, 2019). Furthermore, it has been almost 30 years since Māori launched a claim for protection of their intellectual and cultural property rights, and the absence of a resolution to this claim has, among many other problems, created uncertainty for our trade negotiating positions (Trade for All Advisory Board, 2019).

6.12 Where to from here?

Two key literature pieces will be referred to in this section: the first is the BERL report on an NZ–EU FTA (Schulze & Reid, 2019) and the second is the most recent report commissioned by Te Taumata (Meade & Rice, 2021). The Schulze and Reid (2019) report provides an overview of the Māori economy and Māori exporters, and identifies specific issues of interest to Māori in the EU–NZ FTA negotiations, not the UK specifically. The Te Taumata report (Meade & Rice, 2021) aims to provide a platform for more informed discussion and debate between different Māori groups and Crown representatives and to identify how a UK–NZ FTA might build a bridge between Māori interests, opportunities, or challenges on the one hand, and the features of the UK that might be aligned with, or address, those interests, opportunities, or challenges on the other.

Contextually, apart from the United States, the EU is New Zealand's largest trading partner with whom we do not yet have an FTA (Schulze & Reid, 2019). New Zealand's main goods exports to the EU are wine, fruit, and meat (Schulze & Reid, 2019); however, the primary sector assets are a major share of the Māori asset base (Meade & Rice, 2021). A UK–NZ FTA is an important but imperfect means to try to reconcile Māori economic, social, cultural, and environmental interests with possibilities offered by closer relations with the UK (Meade & Rice, 2021). Meade and Rice (2021) continue that Māori interests in an FTA with the UK might arise in specific areas or chapters of

the FTA but might also arise across much or all of the FTA. Ultimately, it will fall to the Ministry of Foreign Affairs and Trade to determine how best Māori interests might formally be provided for in any FTA. The Ministry of Foreign Affairs and Trade (2020a), however, identify that the most difficult issues in the negotiations are likely to be market access, including for New Zealand's most important agricultural exports, intellectual property issues, including geographical indications, and Government procurement. The overall four top issues are summarised below.

Schulze and Reid (2019) identify **Māori engagement** as being fundamental for an FTA with the UK. This is supported by the Ministry of Foreign Affairs and Trade (2020b), who argue that they would like the principles of the New Zealand's Trade for All agenda reflected in the FTA, which includes particular interests for Māori. This view is also supported by Meade and Rice (2021), who go further by stating that New Zealand will work to achieve outcomes with the UK that serve to operationalise those aspects of New Zealand's Trade for All agenda that are important for Māori, such as cooperating with the UK in ways that can help support further development in the Māori economy, and identifying ways to help promote increased international trade engagement by Māori, such as increased participation in international trade missions.

Improved **market access** for existing Māori products and services, including tariffs removal and subsidies, are important (Meade & Rice, 2021). Additionally, accessing partnerships and investments for research and development, manufacturing, and other expertise needed for increasing the sustainability of the Māori primary sector and other assets is also needed (Meade & Rice, 2021). For example, tariffs on primary industries are generally 10–50 percent higher than those applied to manufactured products, and non-tariff barriers are less visible, but can exert significant pressure on trade prospects and, again, many of these exist in the primary sector (New Zealand Institute of Economic Research, 2017). Other barriers include discriminatory licensing arrangements and quantitative restrictions on access (New Zealand Institute of Economic Research, 2017). While larger Māori businesses are positive about the potential for tariff and access improvements, and are capable of executing that, further support is needed for Māori small-to-medium enterprises (Schulze & Reid, 2019).

Intellectual property, as noted throughout this literature review, remains a major concern for Māori in an FTA with the UK. Intellectual property rights include geographical indications, mātauranga Māori,

or traditional Māori knowledge and epistemology, including artistic and cultural expressions, taonga works, and the use of, and rights to, taonga species and general intellectual property protections where trademarks or patents may have a Māori cultural or design element (Schulze & Reid, 2019). Meade and Rice (2021) also note expediting the return of taonga as an opportunity within an FTA with the UK. While Māori intellectual property has the potential to add considerable value to Māori goods and services, it lacks strong recognition and legal protection, hindering its use (Meade & Rice, 2021). Despite this, as part of the review of the Copyright Act 1994, the Ministry of Business, Innovation and Employment is consulting on how the Government should work with Māori in developing a legal framework for the protection of taonga works and mātauranga Māori; however, legislative change is years away (Schulze & Reid, 2019). The issue of intellectual property is further complicated by the lack of domestic policy for protection of taonga species and mātauranga Māori, for example, the ownership of key resources such as water (Meade & Rice, 2021). Meade and Rice (2021) highlight the possible potential for a two-tier approach, offering Māori either specific or general preferences in recognition of the relative socio-economic position of Māori, and also of the specific historical contributions made by Māori to the wealth and well-being of the UK.

The final issue is the **Treaty clause**, but specifically the special place of the Treaty of Waitangi in an FTA with the UK. New Zealand cannot assume that the EU, or even the UK, will be fully informed on how well-developed the Māori economy is and how embedded it is in the mainstream architecture of the overall New Zealand economy (Schulze & Reid, 2019). Therefore, the special place and contribution of Māori must be illustrated. The Ministry of Foreign Affairs and Trade (2020b) have stated that an FTA with the UK must not only include New Zealand's standard Treaty of Waitangi provision, but must also include fulfilment of the obligations under the Treaty of Waitangi. This was further emphasised in the second round of negotiations as part of the Indigenous working group, in which the Ministry of Foreign Affairs and Trade (2020a) argued that the FTA must ensure that benefits extend to Māori. Looking to the future, as the Waitangi Tribunal suggested, the Crown must engage in a constructive dialogue with Māori regarding the Treaty template exception, particularly given the possibility that modified European Union-style approaches to dispute settlement may emerge and require adjustment to that template (Kawharu, 2016).

7. MĀORI ENTERPRISE

7.1 Being Māori – Māori identity

Māori identity has a bearing on how Māori see the world, do business, and engage in trade. Māori identity is the distinctive characteristic of Māori entrepreneurship, Māori enterprise, and the Māori economy—three interrelated and dynamic elements of te ao pakihi—the business world for Māori. Māori identity is a matter of ontology, which means that it has to do with what it means to be Māori. Without an answer to this question, a counter-narrative to Māori involvement in the NZ-UK FTA arises, and that is: what is Māori about enterprise, economy, and trade? Addressing what it means to be Māori then provides an insight into how participants—in this case, Māori, who are, in the main, entrepreneurs, business owners, business advisors, directors, and executives—see themselves and how this self-view shapes their approach to enterprise and trade.

Being Māori is typically defined in terms of self-identifying as Māori by way of whakapapa (Māori ancestry), accentuating tribal affiliation, and

socialisation as Māori by being raised in and among Māori language, culture, and accessing aspects of te ao Māori like a marae, whānau, hapū, iwi, and whenua Māori (Rangihau, 1992). However, other research shows that Māori identity varies considerably from deeply ingrained to weak associations with te ao Māori (Māori society) (Greaves et al., 2015), with varying consequences for health, well-being, and economic activity (Houkamau et al., 2019). Thus, what it means to be Māori is diverse, with some common features and many differences. Being Māori is also deeply personal and cannot be accurately conveyed by another person, not least researchers of business and trade. Nonetheless, we must try.

A summary of elements of being Māori conveyed by participants is provided in Table 1. The participants listed do not include the 30 whose findings were reported in the six batch reports. The batch reports should be read in conjunction with this report. The batch report findings do inform this report.

TABLE 1 PARTICIPANTS' ROLES AND BACKGROUNDS

PARTICIPANT	BRIEF DESCRIPTION OF THE PARTICIPANT
P1	A wāhine with Rongomaiwahine and Ngāti Kahungunu whakapapa who has dedicated her life to Māori enterprise success through advising and supporting Māori small business, Māori business networks, governance roles in iwi and pan-iwi enterprises, and contributions to Māori economic policy and trade.
P2	A tāne with Ngāti Porou, Te Whānau ā Apanui, and Ngāi Tahu whakapapa who has spent much of his career as a Māori entrepreneur, and whose firm is committed to Māori education success through technology built on Māori values and customised to the needs of kura and Indigenous schools internationally.
P3	A wāhine who has Ngāti Kahu ki Whaingaroa whakapapa and whose careers in academia and screen production have overlapped, researching Māori enterprise success in television and film production. She is a founder of a Māori screen production association and is now chair of her iwi post-settlement governance entity.
P4	A wāhine who has Te Ātihaunui-a-Pāpārangī, Ngāti Tūwharetoa, Ngāti Rangī, and Ngāti Kahungunu ki Wairoa whakapapa. She is involved in the governance of a mainstream regional economic development agency, with a career in facilitating Māori engagement in science and innovation and non-Māori engagement with Māori enterprise for collaboration.
P5	A tāne who has Ngāti Whakaue and Ngāti Maniapoto whakapapa. He trained as an accountant, practising with other firms, and eventually established his own accounting and consulting firm founded on a commitment to kaupapa Māori values and serving Māori enterprise. He is a director on a multinational pan-iwi Māori exporter of seafood products and is a director on other companies that export to a lesser degree, mostly in the primary industries.
P6	A tāne who has Ngā Rauru, Whanganui iwi whakapapa. He occupies many roles in te ao pakihi, as a business owner, a business advisor in regional economic development, a director on several iwi-owned enterprises, a facilitator of a Māori business network, and a provider of regional business programmes. He is a director on iwi enterprises that export goods and services, and acts as an advisor to other Māori enterprises engaged in exporting and trade.

PARTICIPANT	BRIEF DESCRIPTION OF THE PARTICIPANT
P7	A tāne who has Ngāi Tai ki Tōrere, Ngāti Pūkeko whakapapa, was born and raised in the Western Bay of Plenty, and is now a partner in a large accounting and consulting firm providing advice to Māori and non-Māori firms, some trading in the UK. He is chair of a Māori business network, with directorships on iwi companies. His firm has a 'sister office' in the UK that provides technical advice for clients trading in the UK. His advice for Māori enterprises is to learn how the UK market operates, access the right information, and partner with the right people.
P8	A tāne with Ngāti Kahungunu and Ngāti Raukawa whakapapa who works for a government agency as a customer manager facilitating Māori enterprises to engage in international trade. His advice to Māori enterprises is to be disciplined in their approach to international trade—to be focused on getting one market secured before being enticed to move on to another.
P9	A tāne who has Ngāti Hine, Te Aupouri whakapapa who works for a government department as a business growth advisor. This role involves supporting Māori enterprise both to identify their growth aims, and supporting them to scale their operations and activity. He is a former small business owner and manager of enterprise facilitation services to Māori enterprise.
P10	A tāne with Ngai Tahu, Ngāti Pahauwera whakapapa who works for a university as a researcher in Māori rights to genetic resources, with a strong focus on digital rights and Indigenous data sovereignty.
P11	A wāhine with Te Atihaunui-ā-Pāpārangi, Ngāti Rangi whakapapa who works for a government department as a business growth advisor. She is also a director on a large Māori agribusiness enterprise that exports its sheep and beef products, and supports a whānau enterprise.
P12	A wāhine with Kahungunu, Raukawa, Whakatōhea whakapapa who started her own Māori consultancy firm over 20 years ago, later establishing an office in Canada, and more recently in Hawai'i. She returned to Aotearoa to contribute her expertise to Māori enterprise in the Māori economy. Her business is an Indigenous consultancy that effectively exports its advice, but it has done so through the establishment of a physical office in offshore markets and relocating senior, experienced Māori consultants to these locations as permanent staff. Because such expertise tends to reside in a more mature workforce, immigration and visa processes have involved a little more effort when moving staff. The trade in services, specifically Māori managerial and policy expertise, involves a reciprocal exchange, where Māori and Indigenous enterprises learn from one another and whanaungatanga connections are established.
P13	A wāhine with Rangitāne, Te Atihaunui-ā-Pāpārangi, Ngāti Ranginui whakapapa who started out in the agribusiness sector, running a successful whānau enterprise, before moving to corporate governance roles with large Māori and non-Māori enterprises. She continues to be involved in Māori agribusiness in other governance roles.
P14	A tāne who has Tūhoe, Whakatōhea whakapapa and has worked extensively in fishing, forestry, and farming as an agribusiness consultant, an enterprise owner, and now in governance on an iwi post-settlement governance entity.
P15	A tāne whose government role involves supporting Māori enterprise with their growth plans, formerly working in a large management consultancy firm before assisting in the formation of a Māori business capability service.
P16	A tāne who has Ngāti Tūwharetoa ki Kawerau, Ngāti Awa, Ngāti Rangitahi whakapapa and works in his marine-based tourism enterprise offering visitors first-hand interaction with the moana and marine life. He also holds directorships and trusteeships on several Māori land trusts involved in kiwifruit and mānuka production. He formerly operated seafood enterprises in the North Island. While no longer exporting goods, this participant delivers services that generate foreign exchange earnings through tourism.
P17	A tāne who has Tūhoe whakapapa and works in central government supporting the development of Māori economic policy and partnerships between Māori and the Crown, with a strong personal focus on improving Māori wellbeing.
P18	A tāne who has Ngāti Kahungunu, Kurakura Kai Tahu, Kati Mamoe, Waitaha, and Hawea whakapapa. He has had a long involvement in Māori economic development in governance and executive roles in Māori primary sector enterprises. He is now leading a Māori-owned and operated kiwifruit enterprise, with a strong focus on technology. The priority is to support Māori enterprises to work together to leverage UK market opportunities.

PARTICIPANT	BRIEF DESCRIPTION OF THE PARTICIPANT
P19	A tāne who has Waikato, Maniapoto, Ngāti Apakura Māori with Ngāti Maniapoto whakapapa. He was born and raised in Tamaki, at Te Rau o te Huia, and was one of the first students of Te Kura Kaupapa o Hoani Waititi. The participant's whānau started an enterprise in the primary sector, in ocean organics, which developed into a large, successful whānau enterprise.
P20	A tāne who has Waikato, Maniapoto whakapapa. He considered himself 'chief stirrer' and has worked his way up to being managing director of the whānau enterprise based in the marine sector.
P21	A tāne with Ngāi Te Rangi, Te Rarawa, Ngāi Takoto whakapapa who grew up on an island in the Bay of Plenty, has been involved in fisheries for over 15 years, and is now a general manager with iwi fishing companies.
P22	A wāhine with Tūhoe and Ngāti Ranginui whakapapa who is involved in Māori economic development, the Māori health sector, and Māori education in governance, executive, and operational capacities.
P23	A tāne with whakapapa to Rangitāne o Wairau, who started out farming and founded an enterprise that exports its beverages internationally with around 50 percent of the company's product exported to the UK.
P24	A tāne with whakapapa to Ngāti Pikiao, Ngāti Whakaue, and Mataatua, who has an extensive career in digital technology and the creative sector, founding a series of Māori digital enterprises, and is engaged in local government.

A common feature of participants is that they identify as Māori by iwi affiliation, but their life and work experiences as Māori vary considerably, ranging from business advisory, with legal, economic, accounting, political, research backgrounds, and involvement in governance, executive, and operational roles in economic development agencies and Māori enterprises in a range of sectors, including primary industries, tourism, technology, and research. A common commitment to Māori well-being is also strongly evident whether as a government official, Māori entrepreneur, or governor or executive in collective Māori enterprise. Being Māori means "he taonga te ao Māori me ōna tikanga" ["the Māori world and its culture is a treasure"]. "Tu rangatira" ["Standing as leaders"]. "Mana motuhake" ["Our own identity and autonomy"]. "It's who we are" (Participants 19 and 20).

7.2 Definition of Māori business

As participants are either on the inside of Māori enterprise as owner-operators or on the outside as advisors of one sort or another, it is important that their views on what a Māori business is and whether there is a Māori way of doing business are canvassed. These are important definitional questions that offer contextual insight as to the nature of Māori enterprise and its approach to doing business and, therefore, their propensity to engage in trade with the UK, and on what basis.

Not all participants addressed the definitional question, with some averse to doing so, seeing it as a problem for Wellington's policy community to resolve rather than a concern for Māori. Nonetheless,

some commonalities emerge for participants. They suggested that some of the following characteristics were indicative of a Māori business:

- 50 percent or more Māori ownership (P1, P5, P9, P15), with one participant (P7) suggesting 51 percent was necessary because it gives Māori a greater measure of control. Moreover, participant 7 considered percentages a blunt way to differentiate Māori enterprise. Whakapapa is the defining criteria indicating blood ties to an iwi. This is distinct from blood quantum, which is a difficulty other Indigenous peoples encounter, and should be avoided (P10).
- Kaupapa Māori values and diverse purposes, including commercial and non-commercial, that are supportive of Māori people and operating in te ao Māori (Māori society) were the other defining features of Māori enterprise (P3, P5, P9, P15, P17). Tino rangatiratanga (Māori self-determination) and Treaty settlements can be expected to alter the definition of Māori enterprise, consistent with Māori aspirations, purposes, capabilities, and mana (P1).
- Māori business owners of small enterprises are free to decide the values and purposes of their enterprise (P17), whereas iwi-owned enterprises were governed by the kaupapa Māori principles and tikanga of the tribe. Thus, individually owned Māori enterprises are defined by the owners' preferences, aspirations, and values, whereas Māori enterprises, which administer collectively owned Māori assets, must incorporate tikanga into both its ownership, production, and distributions, which can be difficult to do (P13).

- Participant 21 suggests that it is not just ownership by Māori but the combination of this with governance so the incorporation of Māori values in the enterprise is measurable and purposeful. Participant 22 defines Māori business as by Māori for Māori. Participant 24 also defines Māori business by the whakapapa of the owners, and as being established for the benefit of Māori. Māori business is one that produces goods and services that cannot harm others or the environment and cannot invalidate our culture and should not add to social deprivation (P22).

There were some perspectives that differed from the consensus. One participant suggested that provided the business had one owner or governor who is Māori, implements or operates according to holistic Māori values, and employs a lot of Māori people, then it might be considered a Māori business because whānau Māori directly benefit from the enterprise (P10). This view is more consistent with what the Te Matapaeroa study calls a 'Significant Employer of Māori', which are businesses "where at least 75% of the total number of employees were individuals of Māori ethnicity or descent" of which 10,200 were identified (Nicholson Consulting, 2019, p. 5). A contrary view was offered by another participant (P7) who questioned the broad approach taken by the New Zealand Business Number. The register asks firms if they are a Māori business, and includes a list of characteristics to guide them in this decision, including 50 percent or more Māori ownership, Māori branding, Māori values, tikanga, and whether or not they employ Māori. The risk is that this exposes Māori and the Crown to "brown washing," whereby ostensibly non-Māori firms portray themselves as Māori firms to qualify for Māori-centred policies like social procurement (P7).

7.3 A Māori way of doing business

A Māori way of doing business is an expression of Māori identity in the process of starting, managing, and developing enterprises; that is, the process of Māori entrepreneurship. A Māori way of doing business encompasses some of the following elements: (1) the extent to which an enterprise incorporates te ao Māori (the Māori world view), kaupapa Māori (Māori philosophy), tikanga Māori (Māori values), and mātauranga Māori (Māori knowledge); (2) the processes of establishing relationships with customers, other firms, and the marketplace generally, and whether this is inclusive of processes of Māori customary and ritual encounter; (3) the basis on which decisions are made, through consensus, modified consensus, or otherwise, over short or long time spans, through

careful deliberation, in wide or narrow consultation, and openly shared with all who are affected; (4) how agreements are reached and documented, shared, understood, and implemented.

Some of the perspectives Māori enterprises have on a Māori way of doing business follow:

- A Māori way of doing business is how enterprises give expression to their values in practice. Rather than setting aside their culture and values, these are embraced in their behaviour, decisions, business models, and financial models to the extent possible, where profit-making is about creating and sharing value and expressing manaakitanga (P1).
- There is a Māori way of doing business—it's a natural approach and understanding about how to engage with people and get things done. This is reflected in manaakitanga (generosity and care) and whanaungatanga (relationships), which facilitate relationships, build trust and understanding, and secure commitment over long periods. Māori frameworks of doing business could become a template or guide for doing business generally—a new business culture for Aotearoa New Zealand (P2).
- A Māori way of doing business is evident in the way Māori have organised themselves for enterprising and economic purposes across time, with this changing between three main time periods: (1) pre-contact (pre-1769)—tikanga was interwoven in business purposes and governed economic practice, where economy was defined as the way in which "you put food on the table" and shared it; (2) post-contact (post-1769)—where Māori readily adapted to the introduction of capitalism and federalism, asserting a national Māori identity while maintaining tribal autonomy to engage in trade in such a way as each tribe determined was right for them, aligning with the most 'politically expedient' partner at the time, who happened to be the British Empire; and (3) post-treaty (post-1840)—the bravery and curiosity that allowed Māori to migrate across Polynesia to Aotearoa, and the tikanga that guided Māori economic practice, were diminished (P3).
- A Māori way of doing business is about working in a non-extractive mode, where impacts on the environment in all its dimensions—the physical world, the digital world, and scientific world—are considered (P19 and P20). It is about realising an intergenerational vision, it is not always about building, selling, the bottom line; it's about doing good in the world. Kaitiakitanga is more than

kauae rūnga (taking care of above); it's about kauae raro (taking care of below), where there is an emphasis on give, not take, where everyone wins—constructing a complete circular system (P19 and P20). The Māori aspiration to explicitly define a Māori economy is not intended to be separate, but to be distinctive, to guard against the risk of losing our identity, our way of being, our reo and tikanga, when you become part of the New Zealand economy or that becomes the only choice that you have (P4).

- A Māori way of doing business is about having kaupapa Māori values in enterprise, a commitment to engaging in te ao Māori—the Māori world—and supporting the success of Māori enterprise and the Māori economy. This affects the decisions that are made in business, who benefits, and how (P5). For participant 6, this is reflected in the diversity of his roles, interests, and investments, which all centre on Māori economic advancement and include economic advisory, business ownership, business network, governance, and investments.
- A Māori way of doing business is also reflected in mainstream enterprise and their capacity to assist Māori enterprises because of the value, impact, and direct benefit whānau derive from this work, and the long-term potential of Māori enterprise at the iwi scale (P7). Māori enterprises are not visible in official data, but the turnout at Māori business network events paints a very different picture: a plethora of whānau-based enterprises exist and are contributing to whānau well-being and prosperity, but they may not be the kinds of firms at the scale and volume that would excite NZTE and MFAT.
- A Māori way of doing business is reflected in the reasons why Māori establish enterprises and do business. It is rare for a Māori entrepreneur to say that they are in business “to get rich”. The reason aligns to values that differ from mainstream assumptions about business; for Māori enterprise, business is more about expressing other kinds of values: kaitiakitanga (guardianship), manaakitanga, helping whānau to be successful and to thrive (P7). Māori enterprises are increasingly incorporating their identity, language, and culture in their products, their branding, and how they communicate the origin and value of the product, locally and internationally. An example is given of a Māori perfume company that trades in the UK, French, and Canadian markets—te reo Māori features on the products, the website and packaging, with

subtitles, but the message is clearly about a cultural narrative and a willingness to share this with international, high-end customers in ways that are accessible (P7). Participant 7 offers a further example of a Māori enterprise where all the electricians are te reo Māori speakers. They get work from marae and kura, and the agencies that buy such services deliberately seek them out because they can engage with tamariki (children) and whānau (families) in te reo Māori and tikanga-centred ways.

- Being Māori, and being a Māori enterprise, is an outward source of pride, but implicit bias and explicit forms of racism still exist and must be addressed. Participant 7 was in a business meeting with his client—a Māori enterprise—who was bidding for a large civil works contract and was facing a line of questioning that was indicative of bias:

These guys were a construction business. They actually did underground drilling and civil works. Sitting in the room with the procurement manager/buyer, the questions he was asking I was thinking to myself, ‘Would you ask those questions of every business that you’re still looking to bring into this project?’ It was stuff like, “Can you guarantee that your team will turn up?” Like, “What? What do you mean?” You could hear his bias coming through in his kōrero, eh? His hesitancy, because the perception he may have had in his head was, if it’s a Māori business then it may not be as good.

I actually stopped the meeting and said, “Hang on. Just so you know, these guys turn over \$10 million – plus. They’ve been doing this mahi for 20 years and they’re actually one of the best in the game. You’ve just never used them before.” He goes, “Oh, I wasn’t trying to...” dah-dah. I said, “Yes, you were. You were actually making some assumptions based on his perception of what a Māori business might look like.”

- Participant (P11) was undecided about whether there is a Māori way of doing business. Māori enterprises do tend to start because they want to help others—a social enterprise, if you will, but in her view, it must be a business first; you have got to have something to sell and someone who wants to buy it. Another participant, P23, identifies as Māori but is also undecided about

whether being Māori made their business different. They note that it's become fashionable to be Māori and have Māori products, whereas not so long ago it wasn't. "Overseas, it's a fresh slate because they don't understand what it means to be Māori and you get to tell your story—the Māori side. At home, it's a little different, there is a bit of stigmatism still, but it's changing."

- Participant 23 shares that they have had "a lot of foreign-owned companies that want Māori on their branding, they have taken our names, our looks, our heritage stories, our symbols, and it stinks. The UK has been a big one for that. If anything was to come out of this FTA, [it] is that our names, places are protected from big UK conglomerate food chain companies. They take the dart board approach; put a map on a wall, where the dart lands, they name the wine after that place" (P23).
- One of the strengths of Māori enterprise is their cultural foundation, where the language and culture exist as an integral element of the enterprise and its offering. This is the case for participant 12, whose Indigenous consulting firm relies on Māori expertise. This expertise means, as a Māori enterprise, that there is a comfort in being among, interacting with, and providing services in support of other Indigenous peoples in their cultural diversity. P12 recognises other Indigenous peoples have other strengths such as economic development, which provide a basis for collaboration.

- Participant 21 suggests that there are Māori ways that are better than current approaches. For instance, Māori pool people together better, whereas the fishing industry is fragmented across commercial, customary, recreational fishers. There is respect in the industry for Māori approaches; it is really the only group that everyone will listen to (P21). A tikanga framework to guide a Māori way of doing business in this sector (fisheries) is being developed that is a fusion of Māori and Western science and management. It could be the perfect solution to a global problem (P21).
- Participant 22 suggest that a Māori way encompasses tikanga (values) and kawa (protocols), not just in relationships but in the products and services Māori enterprise provide. Business for Māori must be a win-win; it considers the environment, is inclusive and embedded in our culture, and acknowledges and celebrates Māori identity (P22).

A Māori way of doing business is, therefore, a cultural foundation built from Māori perspectives, philosophy, culture, language, and customs that Māori enterprises draw upon to guide their purposes, processes, relationships, and outcomes in business with any customer, firm, market, or economy. This is likely to be the case in terms of how Māori enterprises perceive and pursue opportunities that arise from the NZ-UK FTA and are supported to do so.



8. MĀORI ENTERPRISE AND TRADE

8.1 Rationale for trade

Why trade with the UK? Answering this question addresses the rationale or basis for trade. In policy terms, from an Aotearoa New Zealand perspective at least, the response seems obvious, and, for the most part, the case is explicitly made in the objectives of the NZ-UK FTA and the broader Trade for All agenda. Essentially, “FTAs open up market opportunities, streamline processes, reduce costs, and create more certainty and security for companies” (Ministry of Foreign Affairs and Trade, 2021b, p. 1). This is a functional perspective on trade, which seeks favourable terms on which to do business with another country, defined in terms of reduced cost and market access. Yet, broader trade policy recognises that the NZ-UK FTA is also of interest to Māori because of the unique relationship between Māori and the British Crown, and that this means Māori rights and interests as Treaty partners ought to be recognised and provided for in such an agreement (see Annex 1). Thus, there are a combination of political and economic reasons why trade with the UK on more favourable terms than we now enjoy might be worth entertaining from a Māori perspective. The following findings provide an insight into how participants in this research see the rationale:

- For P1, trade is an extension of doing business, in that it helps the enterprise to grow, to employ people, to support whānau, hapū, and marae. However, she comments that if Māori enterprises could get the same results domestically, then they probably would remain domestic enterprises. Thus, trade offers scope for Māori enterprises to express manaakitanga and look after people.
- P2 sees two reasons for trade: first is commerce—to generate income—and second is impact, in terms of how Māori enterprise can have a greater impact on the communities it serves. The impact of Māori enterprise has to be seen in light of the relatively small scale of the Māori economy, globally speaking—thus, trade involves prioritising where and in which markets Māori enterprise might enjoy success (P2). Financial stability, growth, employment, innovation, and learning from the UK are seen as reasons to trade for participants P19 and P20.
- P3 argues that two innate characteristics of Māori entrepreneurship that let Māori populate Te Moana Nui a Kiwa—bravery and curiosity—are the same traits that will drive Māori enterprise to engage in trade with the UK. She suggests that failure for Māori in commerce and trade have usually been due to factors outside our control—for example, banking and compliance.
- P4 suggests Māori would trade because we always have. Evidence of precolonial trade shows Māori were concerned about sustainable enterprise: “We were looking beyond the stars to see what was over the horizon, engaging with the unseen world, and applying our own tikanga and values to ventures and how we operate enterprise.” These same perspectives can be seen in how Māori enterprise might see the potential of trade with the UK, but it’s important that the policy supports this, that the Māori “lens” is included in the design of the FTA, which is aided by the kind of work this research is doing.
- For P5, Māori engage in trade because there is overseas demand for products that we produce. Similarly, P8 says Māori trade because the economic returns are larger. For instance, in food, beverage, and consumer goods, enterprises get a better price based on scale. Domestically, there is not enough consumption, and customers here will not pay what overseas customers will pay. Trade also creates jobs, adds value, and we become part of international supply chains. Presently, Māori enterprises that export tend to be suppliers of goods to marketing and distribution companies. Māori enterprises might produce lamb, but we are not always the exporter; instead, we sell to the processors and marketing companies (Alliance, Turners & Growers, Silver Fern). Māori enterprises need to own supply chains.
- According to P9, Māori are both global citizens and natural entrepreneurs, making trade a “win-win” because of the value trade creates for the Māori economy and the Māori community. P11 is more direct—the reason to trade is to make money, whereas P13 sees trade as a business challenge to be embraced because there is potential to profit from it and to learn from it. For her, the “art of business is fulfilling. It’s great when it is done right, but it can be horrible when it goes wrong”. It is, however, the thrill of business that attracts this Māori entrepreneur to want to consider trade with the UK, along with other reasons like market access, product reach, and the much larger market. Revenue generation is a primary reason to trade with the UK according to P15 and P23, but there is also the potential to

export Māori culture but to do so on our terms. Trade is a necessity because the domestic market is not big enough (P23).

8.2 Challenges and opportunities of trade

On the one hand, trade is not an altogether straightforward undertaking, with distance, time, cost, uncertainty, and knowledge deficiencies challenging Māori enterprises who might be contemplating, or are already engaged in, trade. On the other hand, trade presents Māori enterprise opportunities to access a large, well-established market whose language, culture, and political, economic, and legal systems we have in common as a postcolonial state. In this section, participants share their views about the challenges and opportunities of trade, and in doing so, give some sense of their general orientation and disposition to trade as a proposition.

Māori enterprises identify the following as challenges and risks with trade:

- A significant challenge is cost; the expense of marketing, committing time to be in the market, attend trade shows, conferences, and to engage with customers, suppliers, and agents (P1). This participant also suggests that if trade is not tied with Māori tourism, some Māori enterprises might struggle to engage in trade on their own.
- While Māori are natural networkers, knowing which door to open can be problematic. This is a problem of market knowledge, and, as a consequence, Māori enterprises may lack the capability to confidently engage in new markets; they may need support to do so—customised rather than generic support (P2). Participant 2 describes a Māori business support system created by Māori for Māori to help Māori small and medium enterprises (SMEs) build an “export pipeline” in technology-based products for offshore markets.
- A key challenge for P3 is ensuring Māori have adequate and appropriate representation in the negotiation of the FTA. Given a long history in Aotearoa New Zealand of having representatives and agency roles occupied by paternalistic people, such a scenario in the NZ-UK FTA would not be good for Māori. For instance, as Aotearoa New Zealand was one of the last countries to sign the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Māori cannot assume that senior officials are going to have Māori interests at heart. What would be ideal from this participant’s perspective is to have Māori representation at the highest level chosen by Māori, not Government (P3). Another challenge is how Māori work with the Crown, whether that’s in partnership or otherwise, to deliver on the promise of trade. The Government appears to be genuine in its effort to partner with Māori and support independent Māori entities (P3).
- A further challenge for P3 is how community leaders, people at the flax roots, are empowered to be more engaged in trade and the negotiations process. They (flax roots people) are the real “movers and shakers” (P3). This view is shared by participant 22, who believes Māori voices need to be in the national boards that control industry.
- For P4, Māori entity structures do not always allow Māori enterprise to trade beyond the farm gate and get the product to the consumer’s plate. This is the case for asset-holding companies (AHCs), which are the subsidiaries of mandated iwi organisations (MIO), primarily administering fisheries settlement assets. To diversify their commercial activity, these Māori enterprises “shimmy around structures” (P4). The enterprise achieves its purpose as defined by its constitution, but do they allow for growth? An example of new growth is Māori involvement in spectrum. Perhaps it is time, this participant surmised, for Māori to return to structures that did permit Māori to trade as tribal economies.
- The challenges and opportunities for Māori centre on rights, especially around the Treaty (P6). How do Māori establish our expectations in relation to the FTA, and ensure Treaty rights are included so there is equity across trade for Māori? (P6).
- The main challenge for P7 is understanding the market, partners, and regulation, which is more in NZTE’s lane. Tariffs are another challenge, which affect cost, but the FTA will hopefully address that, to some extent. Right now, tariffs are built into the product’s price.
- For P9, scaling to meet demand is a challenge for Māori enterprise. Most Māori enterprises with whom P9 works operate in the domestic market, and start modestly. They have a vision for their enterprise, but may not always be sure how to get there. Getting there is the challenge for Māori enterprise in relation to the NZ-UK FTA (P9). Similarly, P14 suggests Māori farmers and growers need scale to compete and to trade in the UK. He suggests there are few models on scaling that have worked for Māori enterprise—Miraka

being one. Others could replicate this model, but incentives and support are needed to scale.

- P10 would like to see a tightening up of cultural protections in the FTA, similar to that evident in other trade agreements, including the TPPA. Additionally, finance to get started is needed. Some whānau might be whakamā to grow their enterprises, worried that their culture might not be respected, and may lack access to the infrastructure to engage in trade. P10 has whānau who live rurally and have no desire to come to the city. They could run a farm on their land but lack the infrastructure necessary to participate in the industry. Education and training is needed, not just in the trades but in technology and e-commerce, with few Māori enterprises engaged in this sector (P1).
- P11 identifies access to capital as a challenge, along with the need to ensure there is a market for the product or service you want to sell.
- Two challenges that P12 sees are protecting Māori rights on branding and intellectual property, and smoother immigration processes. There is a need to support Māori enterprises “to get to the door, but once it’s open, it’s actually pretty easy” (P12). The support might be about how to do business in the UK, including taxation and legalities. The incorporation of Māori into mainstream business has become appealing and normalised, to the extent that values like kaitiakitanga are taken to mean sustainability, but to Māori they mean something more (P21). Participant 21 believes Māori need to reclaim this space.
- The UK is a challenge for P21 because the firms he works with do not presently export there. They would need to explore the potential of diversifying their markets and customers, and scope to collaborate with their business partners to do this (P21).

Māori enterprises identify the following as opportunities and benefits of trade:

- While there are likely clear opportunities for Māori enterprise in the primary industries, it is the opportunities in technology for Māori that excite P1. But to pursue these opportunities, particularly in information technology, requires Māori to be at the global summits and to be involved in the industry, otherwise the opportunities remain unseen.
- For P5, the FTA would seem to provide more opportunities for Māori to trade overseas, to obtain premium prices over other markets domestically. For P6, the opportunities for Māori to trade with the UK are immense, “but we need to be in the driving seat, otherwise it’s not going to have a flow-on effect. It’ll be like our lands—if we don’t retain it, we’ll lose it” (P6).
- The opportunity for Māori is ownership end-to-end, from production, to brand, and to market. Most Māori enterprises are likely at the production end, “we’re still farmers as opposed to seeing our brand in the supermarkets and stores in the UK. Capturing the full value of that supply chain is a goal that we should aspire to. Leaning into that success with Māori-branded products, you will get the real uplift we are looking for” (P7). An example is the Māori perfume entrepreneur:

The perfume [entrepreneur] is in the high end, but she is very shy. She can weave in her whakapapa and her story into her brand and products, it has an effect. She doesn’t do it for financial gain, it’s an expression of who she is but it does have a financial gain. (P7)
- P8 sees the opportunity from the customer’s perspective. Consumers want to buy a product with a history, a story behind it. They want to know that the product is of quality and is supported by tikanga (care for place, people, environment). People are willing to pay a little more for this (P8). P23 sees similar consumer demand for the story behind the product, which is an Indigenous story of the people.
- P10 sees an opportunity for the FTA to help promote Māori enterprise and increase Māori employment. Only a small proportion of our Māori enterprises will benefit, however. The opportunities of the FTA need to be opened up to a wider pool of Māori enterprises, potentially with some over-arching organisation looking after small Māori businesses, that might help (P10).
- UK tourists are high-value tourists for the tourism enterprise that P16 owns and operates. They might arrive as backpackers from the UK, but they become short-term employees, a connection is formed, and they might return later with their families, and want to do business (P16). The opportunity for Māori enterprises is to form relationships through tourism experiences.
- While horticulture, particularly kiwifruit, is doing well, the real value is in the technology and the intellectual property of such products, according to P16. The focus of the FTA might be on commodities and increasing export quantities, but

the attention needs to shift to high-value goods and services where Māori enterprise are price makers as opposed to price takers (P16). Those who benefit from FTAs are already engaged in trade, but how do we make this FTA beneficial for, say, Māori SMEs? (P16). The opportunity is to get those enterprises not engaged in trade to trade on a mass scale, provided there is much work done to match our capability and offering to the market in the UK (P16).

- Māori must be empowered to utilise the current intellectual property framework, to register and protect Māori rights in intellectual property, including, for example, geographical indications and the work being done to protect mānuka (P18). Access to high quality education for Māori at established institutions like Oxford and Cambridge is also desirable (P18).

8.3 Treaty of Waitangi and trade policy

We canvassed Māori enterprise perspectives on the role of the Treaty of Waitangi in trade. The following sentiments are indicative of the range of perspectives we encountered:

- P24 notes that the tupuna Pōtatau Te Wherowhero signed the Declaration of Independence in 1835, which was the first signal between our hapū that Māori wanted to learn more but have our sovereignty respected; the Treaty of Waitangi, five years later, reversed much of that. Over the next 50 years, our whānau, hapū, and iwi watched as the UK sent tens of thousands of people into Māori lands; Māori lands were being lost, Māori resources were being drained, and Māori mana motuhake usurped (P24). When hapū were forced to sign the Fenton Agreement in 1880, Māori knew that more land would be lost. The eruption of Mount Tarawera a few years later created a disaster zone across the central North Island, with Rotorua taking in many of those whānau who suffered because of the eruption (P24).
- P24 goes on to say that all around, our whānau were losing land. That continued with World War I and World War II, where Māori land was taken by Government action and given to returned Pākehā soldiers—all of this done under the mantle of being a British ally (P24). And then came the Public Works Act, local legislation imported from the UK to further erode our Indigenous rights (P24). It happened in India; it happened in America; it happened in Australia (P24).
- According to P1, the Treaty applies, and it ought to have the same role in trade policy as it does in any other policy—the Government has an obligation to take us wherever it goes to ensure that Māori benefit equally from what it does. Participant 21 supports this view, suggesting that wherever the people and products go, the Treaty goes. There is uncertainty about what this looks like, but if the Government's goal is to maximise the opportunity for Aotearoa New Zealand, Māori are party to that (P1). P2 sees the Treaty as 'the framework' for trade policy, enabling tikanga to be applied in trade. For participants P19 and P20, the Treaty means Māori are an equal partner with the Crown, rather than a stakeholder to be consulted; and as an equal partner, Māori ought to have their rights and interests protected. P22 insists that the Treaty must be honoured by Government for its protections to be effective, to enable Māori to live as Māori and access customary rights and the benefits of trade.
- P3 offers a contrary view, asking how an FTA can protect Māori rights or interests. She believes that it can't because that is not its job; the job of an FTA is to "put food on the table" in the sense of creating economic development (P3). Instead, other policies and actions are needed to protect Māori interests, including Māori representation in the negotiation of FTAs, developing a unified approach as to our strategic position on trade as Māori, working with the Crown in partnership, and mobilising flax roots people.
- The Treaty applies to trade policy for P4. For her, it's about ensuring the Treaty principles (partnership, protection, participation) are applied to enable Māori to participate in and benefit from trade. Implementing the protections called for in the Wai 262 claim are suggested as a place to start (P4). Similarly, P5 believes the Treaty principles must underpin any trade policy we have as best as it can. P8 also supports the role of the Treaty in trade policy, which he gives as a reason for the creation of his role in facilitating Māori engagement in trade, because Māori export participation is low, and there is a Treaty obligation on Government to get more Māori involved in trade. There is also scope under the Treaty to improve the protection of Māori knowledge (e.g., mānuka honey). While the degree of partnership with Māori under the Treaty in trade is improving with MFAT's responsiveness, there is room to improve, particularly in engaging earlier with Māori (P8).

- P7 suggests that we need to find better mechanisms to bring the Treaty into trade policy, in a way that reflects Māori and Pākehā interests in the FTA. There is a role for the Treaty in the negotiations. At a minimum, this means we cannot concede any ground we have made to date in Treaty rights and obligations (P7).
- P9 sees the Treaty as the foundation for partnership and a relationship between Māori and the Crown, but the specific implications for trade policy are uncertain. It falls to the agencies like MFAT and others to bring the partnership to life, to give the Treaty real relevance and effectiveness in trade policy (P9).
- For P11, the Treaty is about equity and access; it's about getting us to the table properly. There have been attempts to do this, but we need to keep at it (P9). P12 shares a similar view, suggesting that if the Treaty is to be implemented to its fullest extent, Māori would be represented in the trade negotiations. It would mean Māori participation in the planning, negotiation, and execution of the FTA, not just Ministers and officials—this is article one (P12). The Crown should not be doing things that iwi have been mandated to do (P12). Under article two, trade must benefit tangata whenua; our presence must be visible and equitable, and what we have must be protected (P12).
- There is a role for the Treaty, but it starts with negotiators and officials recognising te Tiriti o Waitangi and its principles, and understanding how that affects trade policy (P10). The principles are clear about partnership, and protection of our rights, so the Treaty needs to be elevated to be more of a priority in trade policy and the FTA. Moreover, MFAT's definition of consultation with Māori is quite poor, and this is likely to impact trade as well (P10).
- There is a role for the Treaty in trade that is linked to branding and how this is protected, to facilitating cultural and sporting exchanges, and how codes like Māori rugby could benefit from international trade (P14). The Treaty is important, but there must be actual benefits that flow from trade for Māori (P16). The Treaty must be upheld (P17). It must be more than a clause; it must be grounds for an argument about trade policy (P17). P18 elaborates on what the Treaty could mean—the Treaty is a bridge to building relationships, assisting in the revitalisation of te reo, future proofing intellectual property, and protecting taonga as Treaty partners. A statement

on the meaning of the Treaty in trade policy is needed, specifying the meaning of partnership, inclusion, and Māori involvement (P18).

8.4 Māori expectations

Māori expectations help clarify where the bar might be for Māori aspirations as to trade generally, and the NZ-UK FTA in particular. Participants share their perspectives on what they expect from trade:

- P1 expects to see opportunities to grow networks and relationships, to gather the many threads when we're overseas. The expectation of P2 is for the UK to actually understand the Treaty, that we're in 2021, and that we are unapologetically Māori. P4 suggests we need to ask Māori what their aspirations for trade are and respect their views. P9 expects a 'level playing field,' not preferential treatment but equitable opportunities. P15 has expectations of equity with non-Māori. P10 expects Māori to get a voice at the table—to be part of the decisions made about trade policy and their effect.
- One of the expectations of P3 is that Māori develop a unified approach and strategic view of our position on international trade, and that a Māori entity steps forward, or one is created by Māori, to give effect to that view, to provide overall representation of Māori economic interests internationally. Alongside this is a need to invest in building capacity and capability of Māori to trade internationally, to "exploit our bravery and curiosity" (P3).
- P5 expects that the Treaty be adhered to and Māori rights are upheld. P6 asks an interesting question: "Do we have the same rights as British subjects? What does that then look like?" Is it possible to return to a pre-1840 Māori approach on trade, where Māori were free to enter into trade agreements with traders, merchants, and whalers? The point is that collectivisation of Māori assets, rights, and interests could be better (P6). It's important to note that support for Māori does not stop with Treaty settlements (P6).
- P7 considers there is long-term value in a deliberate strategy to increase Māori representation in such key overseas development roles as trade commissioners—for example, proposing a target of 50 percent Māori. Most of the mahi in trade is not the policy work; it is actually helping Māori enterprises get their product into the UK (P7). Too often, FTAs result in overseas firms extracting products or owning assets in Aotearoa New Zealand. But what if

Māori owned the value chain for our products to the UK? How does the FTA allow that kind of mahi to flow through? (P7). Moreover, our concerns tend to be minimised, but we wear the impact. So, where you have UK investors buy up large tracts of land, where do we get a say about that as the Treaty partner? (P7).

- P13 expects a change in the culture of business in Aotearoa New Zealand, where Māori values and ways of doing business become the norm. However, she notes that being Māori will get you a foot in the door but that won't always cut it; you still have to get down to business (P13). P18 expects that any assistance like Māori procurement is hard-wired into trade policy and the NZ-UK FTA, including capability building, networking, and the exploration of technology-based networks and collaboration with UK firms.
- P16 suggests that if firms cannot thrive in Aotearoa New Zealand, then they should not consider exporting. Enterprises need to build capability within New Zealand. Once a sound operation has been established, export partners will likely proactively chase Māori products to import them (P16).
- P22 suggests that we need to keep a watchful eye on Aotearoa New Zealand firms that engage in unethical or illegal trade, that contribute to warfare or subjugate any Indigenous people, preventing them from exercising their cultural rights and practices.

In summary, Māori expectations resemble the earlier findings on the Treaty and its role—Māori expect to be at the negotiating table alongside the Crown as Treaty partner; Māori expect to have a say on trade policy and be supported to do so. At a minimum, Māori expect the Treaty to be understood, not just by New Zealand but also by the UK, and to be the basis for shared action to support equitable Māori participation, access to opportunity, and to benefit from trade. There is also a desire for a shared vision, strategy, and position on trade among Māori and a unifying entity to bring disparate Māori economic interests together to have an impact on policy and trade. There is an expectation that Māori move from being enterprise owners to supply chain owners, and pose questions about how trade policy and the FTA can enable this to occur. Protection of Māori rights and interests is a common expectation, but whether this can be done in trade policy was questioned by one participant, with other mechanisms preferred.

8.5 Inter-Indigenous trade

Indigenous-to-Indigenous trade (I2I) or inter-Indigenous trade is about the capacity and intent among Māori to do business and trade with other Indigenous peoples. International recognition of the status and rights of Indigenous peoples, the shared trauma of colonial histories, and a desire to improve the well-being of Indigenous peoples through economic development make trade between Indigenous peoples a natural progression. However, the economics of inter-Indigenous trade and the strategies and business models to make this option worthwhile are still developing.

Māori perspectives on the potential for inter-Indigenous trade follow:

- For P1, inter-Indigenous trade is desired, but unlikely with UK because it has no recognised Indigenous people. Nonetheless, Indigenous people of Aotearoa can still form important relationships with the UK (P1). Inter-Indigenous trade is an extension of whanaungatanga (kin-relationships), where Māori will always seek out other Indigenous people because of shared experiences, always looking for the brown face (even if it is not Māori), to support each other (P1).
- For P2, inter-Indigenous trade is important, but support is needed because one of the benefits is a two-way learning process. Another advantage of trade with Indigenous peoples is there is no need to explain context; it is understood. However, a challenge is that the Māori economy may not have the scale to respond to opportunities to trade with Indigenous peoples (P2).
- For P3, the opportunities for inter-Indigenous trade in the NZ-UK FTA might be in facilitating co-production that does not rely on central agencies in screen production, for example. Inter-Indigenous trade is philosophically important, but the economic benefits are not big at this stage, though they have potential to grow (P3).
- P4 strongly believes in the potential for this trade to grow because of matching values, aspirations, experiences, and knowledge. Similarly, P5 sees opportunities for Māori to trade with First Nations peoples in Australia and Canada. P6 sees inter-Indigenous trade as reciprocal: it's how we help our Indigenous families protect their practices and knowledge from their own Governments. Manaakitanga (generosity) looks different between Indigenous peoples (P6).

- P7 sees inter-Indigenous trade as a “huge opportunity, maybe not so much into the UK”. One of the challenges of this is how to support communication with Indigenous people to explore the opportunity. There has been much talk about Indigenous trade, but no one seems to have found a way to work alongside Indigenous business. Supply Nation in Australia provides a more positive experience; it is how they use social procurement to support Indigenous business (P7). It’s not perfect, but they were open with what they did and how. It is that kind of engagement that provides tautoko (support) to Māori because of their willingness to share rather than sell that knowledge (P7). They understood the shared history of colonisation, that we all want independence and want our families to thrive, so we start with a level of respect, not focused on transactions but on relationships (P7).
- Some of the Indigenous business networks are light years ahead of us, particularly the United States, according to P7. Native American enterprises are on a different scale (P7). The Australian constitutional context differs from Aotearoa; they see that we have the Treaty as a basis for Indigenous rights and interests, whereas treaties in other places are just paper, so they (the Indigenous people) have had to find other means to carve out their place in the world. Social procurement has helped achieve that scale very quickly (P7). We can’t cut and paste a lot of that stuff that happens in other places, but we can learn from it.
- P8 also believes inter-Indigenous trade is important and a “massive opportunity” that we have yet to exhaust. Indigenous peoples might have different strengths—cultural, economic, and social—but the opportunity it presents is “culturally-led trade” in both the formation of relationships and trade. P9 supports the view about the potential of inter-Indigenous trade. It was on a visit to Australia that he saw the potential of it, but it was not seen as a priority in the Māori policy community (P9). It is the shared values and similar experiences of adversity that enable Indigenous peoples to share different approaches to rise above it that appeals (P9). Participant 10 shares this view that Indigenous trade could break down cultural barriers preventing their involvement in commerce.
- P14 sees value in inter-Indigenous trade, which is something Māori could be leveraging in their relationships with China. However, a central government resource is needed with the right people in the governance of it to make it happen (P14). Indigenous connections can open doors, which is evident in the Māori and Taiwan relationship; it can become a pathway for Indigenous to non-Indigenous trade in other countries (P14). P21 suggests that on seafood, Māori could collaborate with other Indigenous firms to supply the UK market. Participant 23 would like to do the same in his industry, but they have to be mindful of alcohol and its impact in Indigenous communities.
- Inter-Indigenous trade does not always guarantee a successful and uplifting experience. P16 relays an example of when Māori enterprises from his iwi “were romanticised by the ‘indigeneity’ of an Indigenous business group from overseas”. The deal, however, “soon went sour, and the Indigenous businesspeople took a very Western approach of using lawyers to implement the deal rather than the kanohi-ki-te-kanohi or values-based relationships and processes that were initially agreed”. The lesson P16 takes from this is that the fundamentals of business are key to any business relationship regardless of perceived values.
- P24 suggests that through colonisation, the Commonwealth provides a point of common ground. Inter-Indigenous trade could be exciting if the Indigenous peoples of the Commonwealth could look at trading together (P24).

9. MĀORI ENTERPRISE AND THE NZ-UK FTA

9.1 Success of the FTA

We asked participants what success would look like from a Māori perspective if the NZ-UK FTA came to pass. This question has to do with developing a view about what “good” means and to incorporate that view into the FTA and to evaluate the agreed text, and its performance, over time.

Māori enterprise perspectives on the success of the FTA follow:

- At a micro-level, for P1, success in an FTA, with whomever we trade, would mean ease of trade, the ease of transacting. At a macro-level, success for P3 is a growing Māori economy. Success for P4 is getting Māori enterprise past the (farm) gate, working with NZTE and others to access the gateway to trade and work with firms that are ready to export. P5 sees success for Māori as anything that creates greater opportunity for Māori to provide goods and services to the UK. However, P11 cautions Māori enterprises to streamline what they do now before engaging in trade. For P8, success looks like free movement, less friction in the movement of people, goods, and services. The appeal of the UK is that we speak the same language, we’ve got existing history, and similar end-consumers (P8). There is cost to pursue the opportunities, but better margins can be expected.
- P2 suggests success look like reciprocal trade, reciprocal benefit without compromising matters important to Māori—the importance of data sovereignty, for example. P24 agrees—data sovereignty needs to be better understood because presently, there is little understanding. Obviously, the benefit is measured in commercial terms, but that should not come at the expense of compromising the quality of our environment. There are benefits other than commercial that Māori consider, including the relationships that are built through the FTA. P9 sees success as centred on how you trade. Success is about the quality of the relationship that is formed through the FTA with the UK; it must be enduring, high trust, and mutually beneficial for Māori enterprise, although, considering what has happened in the past, we also need to think long-term—sustainability into the future (P9).
- P6 takes a cautionary view, suggesting success in an FTA is about protection. If anyone involved in the FTA is not following the rights of Indigenous peoples or the UNDRIP in terms of what trade looks like, “we’re on a hiding to nothing”. Similarly, success in an FTA for P17 looks like: (1) Māori are informed—they know what an FTA is, what the intricacies are; (2) Māori are actually engaged and it results in no tariffs; and (3) you can trade subject to the protection of Māori intellectual property.
- Success in an FTA looks like a unique Māori flavour is at the forefront, not as an add-on, according to P15. In this respect, Māori business is synonymous with New Zealand business in that Māori are able to provide a point of difference for Aotearoa New Zealand.
- P24 sees success as Māori re-establishing a relationship with the Crown from the UK. To P13, success is simply upholding te Tiriti o Waitangi. The FTA and Māori involvement is not just about a quick fix transaction to consumer process (P13). Māori like to build relationships (and our business is about building relationships). The cycle of doing business differs—we don’t just want to pump out meat, but want to meet people involved, to understand who they are, to engage in the soft-edge of business (P13). Success for P10 is about Māori being at the table, being able to participate in the FTA, actually being heard. Like any Government consultation, it is hard to reach out to the wider Māori community, beyond a usual list of Māori with whom agencies might engage as Treaty partners (P10). A wider scope of engagement with Māori is preferred.
- P19 and P20 define success as financial stability, growth, employment, innovation, market access, shared stories, strengthened bonds, ease of doing business, and ensuring imported goods are not unsustainable. Trade with the UK via the FTA means the potential for open trade with the UK and possibly Europe. The opportunities for Māori enterprise is sharing knowledge and information on te taiao.
- Success for P21 looks like a level playing field, not anything more than that, nor any advantages over what others might get. There should also be some recognition of our colonial past and the connection to the UK, and some connection

to those countries who were similarly colonised (P21). It would be nice to see the UK take some responsibility for what has happened to Māori (P21). This might mean the UK prioritising trade with former colonies like New Zealand (P21). The FTA has the potential to support Māori economic development, but we are just emerging from Treaty settlements and trade will take time to develop (P21).

- P22 sees success as an FTA that is cognisant of our culture and identity, supports Māori to have undisturbed access to our taonga (consistent with Wai 262), where we are trading transparently, where one group is not privileged over another, and we as a nation can feed our own people before we export. For instance, it would be problematic to see necessities and quality goods and services exported and available in the UK at a lower price than they would be in New Zealand (P22). While FTAs are meant to benefit all, that is not necessarily the case for grassroots Māori in terms of the ability to compete or access goods and services (P22).
- P23 views success as protecting brand names for Māori. Moreover, it's important that foreign companies pay their fair share of tax on the end product in Aotearoa New Zealand (P23). In the wine industry, which is 70 percent foreign owned, they're not (P23). They grow at cost, make and ship the product at cost, and the profits, and, therefore, the tax on those profits, are kept offshore (P23).

Success from a Māori perspective is essentially that the NZ-UK FTA upholds the Treaty, that anyone doing business under the Treaty is doing so in a way that protects Māori rights, particularly Māori intellectual and cultural property rights, but also Māori commercial and non-commercial rights, interests, and imperatives like environment, social, and cultural considerations. Success is also about the quality of the relationship between Aotearoa New Zealand and the UK under the FTA and Māori being seen to be part of that at the highest level, and participating in and benefiting from this relationship at a consumer, firm, and Treaty partner level. The relationship should also be long term in its orientation, and consider sustainability imperatives and protections for Māori rights and interests. The FTA must be inclusive of Māori people, communities, and enterprises over the diversity and breadth of te ao Māori. The FTA should also make it easier and less costly for Māori enterprises to do business with the UK.

9.2 Benefits of the FTA

A fundamental question for Māori research is how Māori will benefit from research. This is because research has often been on Māori or about Māori, with little or no consideration given as to how Māori participants will benefit. In this case, we asked participants what the benefits for Māori might be from the NZ-UK FTA. This provided us with some indication as to whether there is alignment between the benefits trade negotiators and Māori expect, and what can be done to raise awareness about the absence—if any—of benefits Māori consider material in the FTA negotiations.

Māori enterprise perspectives on the benefits of the NZ-UK FTA follow:

- P1 sees the benefits of the FTA as making transacting easy and “without fuss profitability”. The main benefit is, however, access to a larger market, with other resources and business partners to draw upon (P1). The FTA also provides a “shock absorbing facility” to cushion the effect of declines in domestic or other offshore markets—these are benefits not particular to Māori (P1).
- The benefits P2 sees are profitability, sustainability, commercial development, a stepping-stone to other markets, and distribution capabilities, but “not everything is kumbaya” (P2). It would be useful to establish the rules on how to access capital from the UK, especially for iwi (P2). The FTA also offers access to industries not available here (P2). P16 has already seen first-hand the benefit of international capital and the connections they bring. He suggests, however, that most Māori enterprises will avoid the Government programmes to “stay under the radar” so that competitors and regulators cannot interfere or slow progress (P16).
- P3 argues that “anything that grows the economic capacity of New Zealand is good for Māori, and what economic capacity Māori can grow is good for New Zealand”. For instance, the FTA should open up new audiences for Māori screen productions and provide synergy between Māori enterprise and international companies.
- In terms of research, P3 cautions Māori and officials to be vigilant as others come into the country and capitalise on our native flora and fauna without any protection or guidance for Māori rights and interests. Wai 262 is still not addressed, and it needs to be (P3). Aotearoa New Zealand

is still at a debating level of protecting Māori knowledge and Māori must continually scan that space. P3 argues that international scientists, experts, and researchers collaborating with Aotearoa New Zealand should be expected to know about, apply, and uphold Vision Mātauranga (VM) policy for research (Ministry of Research Science and Technology, 2007), particularly where the research involves scientific research of taonga species (Hudson et al., 2020).

- P7 suggests that the reward is high if Māori enterprises can achieve brand awareness in the UK market because you are paid in pounds. Moreover, if your product is in the high-end markets, it has a ripple effect when approaching other buyers (P7). Thus, from a purely economic perspective, the return is measured in double the value of the New Zealand dollar, but the tyranny of distance can offset the value gained (P7). P21 identifies the problem of the carbon footprint issues given the location of the UK relative to New Zealand. Once there, though, Māori enterprises can expect to encounter a market that knows Aotearoa New Zealand, speaks the same language, has historical ties, and a large Māori community providing “soft networks to call on” (P7).
- There are indeed whakapapa connections to the UK, but these need to be strengthened after a long period of separation (P9). P14 suggests the benefits of the FTA are built upon establishing relationships. These relationships need to be business to business rather than to a mass market (P14).
- P8 sees the benefits in terms of the quality of the distribution infrastructure. This is particularly important for the export of products like fresh lamb, where customs, transit, tariffs, and cold chain storage facilities must be of high quality to uphold the promise of the product label as “world class” (P8).
- P10 sees significant benefits, provided Māori are properly involved and consulted on the FTA. Take the whole spectrum, for example; that opportunity for Māori must be well managed from the start (P10). P11 suggests the FTA opens further areas for Māori enterprises to trade, but that getting there is not always easy. It’s important that agencies provide the right narrative so that Māori enterprise know the right pathway to take (P11). Māori enterprises must also have a reason to trade, they should not trade for trade’s sake—it should be with a purpose (P17).

9.3 Risks of the FTA

We asked Māori enterprises about the risks they perceive in the NZ-UK FTA:

- P24 suggests that Maori do not know the UK well, as the UK turned its back on Aotearoa and went with the European Union (EU). P1 suggests the risks of trade have decreased over time, with communication technology and transportation creating a smaller global community. Still, there is a risk of being an unfamiliar foreign market, particularly if you are not well supported (P1). Understanding overseas market trends requires having good partners (P1). P2 sees risk as a domestic concern: Māori do not want to compromise our rangatiratanga again.
- P3 assesses multiple risks, including ensuring Māori enterprises exhibit high integrity in business and trade, good leaders are supported in Māori enterprise, and safeguards are implemented to ensure accountability. P4 identifies an uncertainty about what happens when there is a Treaty breach under the FTA; how do the principles of the Treaty apply?
- P5 sees risks to Māori intellectual property and unauthorised copying and use. This view is shared by P19 and P20. They also see a risk of Māori enterprises being influenced by lower quality goods, poor farming practices, and unsustainable methods in the UK (P19 and P20). A risk for P6 is the low representation of Māori enterprise in industry bodies that will lead Aotearoa New Zealand’s trade with the UK.
- P8 sees several risks associated with supply chain logistics, particularly when delays occur. Storage and shipping costs are increasing, so alternative market strategies might be needed—for example, finishing the manufacture of products in the UK to provide certainty of supply. P14 sees scale and cash flow as risks. He suggests that while we need scale, the risk is if “we go big, we can lose big, when things go wrong” (P14). COVID-19 has presented risks but also opportunities. P7 highlights the cost of making mistakes and just operating in the UK—it is expensive to be there and do business.
- P9 identifies intellectual property as a risk for Māori enterprise, as well as exposure to new competitors and a different market that might have a more short-term view of doing business and business relationships. Similarly, P10 identifies cultural appropriation, exploitation, and being a minority people in an international

setting as risks for Māori enterprise. P12 shares this concern, describing the risk as plagiarism of Māori cultural property. P13 spotlights biosecurity risks, even in packaging. P24 sees a risk that Māori data may not be used in a Māori-appropriate way as intended, such as facial recognition and genomic data.

- A specific concern relates to supermarkets, which have extraordinary power according to P23. They can destroy suppliers overnight, driving firms out of business with price pressures because they can be easily replaced by others (P23).
- While the New Zealand Government seeks new trade arrangements with other nations, it is often at the expense of tangata whenua, according to P24. Many of the Māori information technology (IT) community have serious concerns about intellectual property protection, market access, reciprocal relationships, and ensuring that mātauranga Māori and tino rangatiratanga are maintained, especially in data sovereignty (P24).

9.4 Māori rights and interests

Given the risks involved, we were interested to ask Māori enterprises what they believed could be done to protect Māori rights and interests in the NZ-UK FTA. Māori enterprises shared the following views on protections:

- P1 notes that some Māori rights are guaranteed under UNDRIP and the Treaty. The Government should, therefore, be advocating on our behalf as we are their Treaty partner, deserving of their protection (P1). P1 adds that “you can’t say that that [Treaty rights] just apply here in New Zealand,” implying the Government’s obligation to uphold the Treaty extends beyond Aotearoa New Zealand, inclusive of trade. P19 and P20 see co-governance for Māori in respect of the FTA, with Māori represented in the bodies and agencies with responsibility for implementing and overseeing the FTA. This should see Māori involved in the setting of guidelines and standards for good practice on aspects of trade under the FTA, including provisions on tax, tariffs, and intellectual property (P19 and P20).
- P9 sees the Treaty principle of partnership as providing some protection because it is about how we choose to live under the Treaty as citizens and balance rights and obligations in commerce. The Treaty must be reflected in everything New Zealand does, not just in trade; this is a fundamental part of Aotearoa New Zealand’s identity (P15). P2 asks what would happen if the UK were to contravene the Treaty of Waitangi? What would be the process for dealing with that? What mechanism and what position would be taken in that circumstance? P23 would like to say “Honour the Treaty”, but is unsure whether Māori are any better off than anyone else as a result of having the Treaty recognised in this way.
- Historically, the UK was unscrupulous and devious in its dealings with Māori (P24). Some scepticism needs to be applied to free trade with the UK. At this stage, it has mostly been detrimental for Māori (P24). The challenge, generally, is that more countries are looking to access Māori resources, IP, and talent, and feel the pressure from the Aotearoa New Zealand Government to put much of our taonga up for sale (P24). Māori doubt about free trade is influenced by many difficulties Māori have had in establishing Māori-focused markets or with Māori IP that is constantly stolen from our artists and turned into fake products that raise hundreds of thousands of dollars for foreign businesses, harming our brand and denying our whānau the ability to earn in their own right (P24). Equally, there are reluctant Māori creators who have developed Māori stories but fear our Aotearoa New Zealand Government cannot protect this taonga tuku iho (treasure handed down), so keep them on the shelves gathering dust. MFAT and whānau Māori have had a tense past.
- P2 suggests that to protect Māori rights, these must be embedded into the FTA through the Treaty clause. This will be precedent setting for other frameworks and policies (P2). P8 also supports protecting Māori rights via the Treaty clause, referring to mānuka as a case in point—it is not just the honey, it is the plant with a particular genus, its origin and connection to te whenua Māori (Māori lands) (P8). P5 characterises Māori rights as centred on Māori products, Māori stories, tikanga, and history that are incorporated through Māori products, services, and enterprises. This is our intellectual property, and it must never be lost (P5). P22 would like to see an assurance that taonga species (Indigenous flora and fauna) are trademarked or copyrighted overseas or by the Crown, and that Māori have access to seeds.
- P6 focuses on protecting Māori environmental rights and Aotearoa New Zealand’s commitments to the United Nations (UN) Sustainable Development Goals (SDGs). Thus, protection, to P6, encompasses protecting Māori language,

culture, art, and the ingredients and genomics of kai Māori (foods) like puha and kawakawa. Where there is a desire to utilise mātauranga Māori, this should be subject to some kind of cultural impact assessment so the protection and intended use become publicly known (P6). P18 notes the UK has extensive gene banks, to which Māori ought to have access, but at the same time there is a concern about the UK accessing Māori genomic data too.

- While MFAT might work to provide for Māori rights in the FTA via the Treaty clause, these protections can get “lost in translation” when agencies like NZTE are having to implement them in their advice and campaigns (P9). It would be appropriate for Māori to lead this work and for the role of Te Taumata to be extended to encompass trade and market development, so Māori are leading the Māori stories and working to make it happen (P9). P9 stresses that it is not what is written on paper that counts, but the implementation when it comes to protecting Māori rights. There should be a system to verify the indigeneity of enterprises and entrepreneurs claiming to possess Māori rights and use them under the FTA.
- P13 raises the issue of public doubt and derision about the need for and legitimacy of protecting Māori rights and interests. P13 has been asked, “How Māori do you have to be” to qualify for such protections or provisions? Public support and understanding of the rationale for protecting Māori rights and interests in trade and other areas cannot be assumed, nor can the damaging effects of public doubt and derision be understated.
- P14 emphasises protecting Māori branding, highlighting that some products going to market would not gain the approval of Māori because they would find the terminology, imagery, or nature of the product problematic. The focus could be connecting with and highlighting firms that do incorporate Māori branding appropriately (P14). There is also a need to ensure protections find their way into compliance, administration, and capability building of Māori enterprises to scale up and deliver to the UK and other markets (P14).
- P16 suggests a Commonwealth passport would be beneficial as many of his whānau are Welsh. Locally, Māori land rights must be protected (P16). There is a worry that the incoming shortage of land generally will mean

that the Government will loosen overseas buying conditions, which may expose Māori land to risk. This view is shared by P22, who would like to see the lifting of visas for travel to the UK.

- P17 encourages Māori and non-Māori not to lose sight of why we trade and why we do FTAs. The value of trade cannot come at the risk of other values—whānau, whenua, and mātauranga (P17). The UK must be on board with Māori rights and their protection (P17).

9.5 Māori priorities for FTA negotiations

We asked Māori enterprises on what general priorities of Māori interests they thought the trade negotiators should focus. This question seeks views on what Māori enterprises thought might be good for all Māori, or sections of te ao Māori, which may not be representative of their own circumstance or aspirations, but someone else's.

Some Māori enterprise perspectives on general priorities for Māori in the NZ-UK FTA follow:

- P24 wants to ensure that Māori develop a framework for discussions in the future on a Treaty of Waitangi-based relationship with MFAT on trade, and that this will not just take all Māori ideas, put them in a report, and Māori hear nothing back (P24). If there is no reciprocal value exchange and Māori feel that this is just a ‘box-ticking’ exercise, then Māori will reconsider (P24).
- P1 identified the ability for Māori to reach across to other Māori in the UK, with Ngāti Rānana, for example, as most useful. This would necessarily involve Māori facilitating the opportunity (P1). P12 sees a need for urgency in mobilising our people to “get in” on trade opportunities in the FTA. There is a considerable need for capability building, business skills, and expertise for Māori enterprises to step up and into trade (P14).
- P3 asked that Māori be widely consulted about who is on the negotiating team, “Who’s going to be cutting the steel and who’s representing Māori? The rest will flow from there”. P13 wants to know that Māori are at the (negotiating) table, that Māori values are not lost in that process, and that Māori expectations are being met. P22 agrees that having Māori involved will give Māori confidence that their interests are represented.
- P4 suggests that Māori SMEs need to be involved and supported to benefit from the FTA, not just the larger firms—a pipeline for small

enterprises must be created. P15 suggests Māori should be at the forefront and involved in trade missions, as Māori enterprise is an inherent part of Aotearoa New Zealand business. P10 stresses the importance of consultation because Māori enterprise collectives could be much bigger players in trade through the FTA.

- P5 wants a focus on “anything that makes trade easier”, whether that is compliance costs (“the less the better”) or making it cheaper to get Māori products to market and protecting Māori intellectual property and knowledge along the way. He also considered that wāhine Māori focus is a great kaupapa, but he was unsure how it could be achieved in the FTA (P5). P6 supports a wāhine Māori focus, noting Te Manu Atatū, a Māori business network, comprises mostly women business owners. P14 asserts “Definitely there should be support for wāhine Māori. If we’re talking about the capability of Māori enterprises, wāhine Māori are the ones who can make that happen”.
- P6 wants to see a focus on protections over what we have in Aotearoa New Zealand, particularly our natural resources, our people, and our political rights and systems. There should be a focus on advances in healing (rongoā—medicines and treatments), practices of fermentation, and cultural and traditional practices generally—how these are protected and how Māori are supported to develop this knowledge and these practices (P6). If we allow the buying up of Māori land and enterprises, we need to understand the investment partner and get access to capital and markets but on favourable terms (P7). These principles ought to feature in the FTA and the specific deals at a firm level (P7).
- P6 also identifies financial capital and bringing investment into Aotearoa New Zealand as a priority. He suggests that crypto currencies, and how they might be affected by the FTA, should be explored (P6). P23 identifies funding and access to capital to get going as priorities for Māori enterprises—lots of good ideas and clever people, but no capital.
- P7 suggests that the relationship between MFAT and Māori needs to be improved. Māori might not have access to the right expertise to negotiate a deal that reflects Māori aspirations, so more work needs to be done to get those relationships right, starting with clarifying where Māori are in the trade negotiations (P7). We need to know what the Māori position is and how you give effect to

that—that starts here, before we negotiate with the English (P7). P18 would like to see transparency in what we lose as a result of the FTA—is our sovereignty diminished in any way as a result?

- P10 suggests that MFAT officials could do with a little more cultural awareness and understanding. At a hui last year with the main negotiator, there was good intention, but a knowledge gap. There was more of a commercial focus without considering the impacts on Māori (P10). There could be a lot of whānau enterprises that could be impacted by that lack of understanding (P10). P17 wants Trade for All to be more than a slogan: how can we make trade accessible for all?
- P9 highlights the importance of relationships, the advantages of relationships, and ensuring there is a ‘level playing field’ (equity) for Māori enterprises to participate. P11 would like to see agencies working together to support Māori enterprises in trade in the same way agencies came together in response to COVID-19—that collaboration is an effective way to go.
- A key priority for P7 is how we put mechanisms in place to ensure Māori intellectual property is protected and not abused. How do we create channels to market and investment, but do so in a way that is not exploitative (P7)? P11 and P17 support the focus on intellectual property, not just its protection but also the opportunity of it for Māori enterprise. There is a need for a balance between both protection and enablement of Māori rights, interests, and benefits.
- P8 suggests negotiators focus on avoiding double tariffs, improving customs procedures, transit improvements, better controls, and personal data management. There is a need to focus on building Māori enterprise capability across the board—wāhine Māori and small enterprise—well before they trade; perhaps even at school (P8).
- P9 would like to see some quality assurance in the sense of ethical and sustainable practices relating to Māori branding and use of Māori cultural and intellectual property. P15 wants to see Māori tell our story to the market so there is understanding about who we are, what we stand for, and normalising that understanding.
- For P12, the FTA could pave the way for improvements in immigration for Māori. “There is nothing worse than being a lonely Māori in a foreign country. We rely on our collectivity,

whanaungatanga. As Māori we need other Māori. Just to make that process faster and smoother.” (P12).

- P8 identified tax, value added tax (VAT) in particular, and e-commerce as priorities for Māori enterprise in the FTA. Given the volatility in the market, P8 considers how we can move products digitally. P19 and P20 see intellectual property and Māori frameworks reflected in legislation, as well as improvements and certainty about transportation, contacts, and the implications and procedures for COVID-19.
- P10 identifies the lack of access to technology preventing Māori enterprises from participating in trade, citing the example of areas with no cell phone or high-speed internet coverage. The

result is that Māori enterprises miss out on firm and industry data and access to consumers and markets (P10).

- Tariff and tax removal is a priority for P23. The problem is that this only benefits the buyer as the tariff is removed in those countries. This means P23, who exports product sold in the UK, won't get the \$1 reduction from lower tariffs, the supermarket will take it, or the discount will go straight on to the shelf. Another priority for P23 is some way of mitigating the effects of foreign ownership of natural resources (land and water) and foreign firms exerting control over whole industries.



10. DISCUSSION

10.1 Māori enterprise

Māori enterprises are part of a growing Māori economy, estimated to be worth—in terms of assets, at least—\$68.7 billion in 2018 (Nana et al., 2021). Māori enterprise has an increasing capacity, then, to contribute to Māori well-being, however this may be defined. Policy makers have been grappling with defining Māori enterprise because of the need for quality data for good policy decisions (Mika et al., 2016). While Statistics New Zealand (2014) had initially been content to define Māori enterprise as a Māori authority, they recently extended their definition to include Māori small and medium enterprise (SME), identified using third-party lists (Statistics New Zealand, 2016). Statistics New Zealand is now embarking on a mission to develop a framework for Māori business, including concepts, definitions, and measurement to be used across the Aotearoa New Zealand data system. A working definition of Māori enterprise for the purposes of this research is an enterprise that self-identifies as Māori, is 50 percent or more owned by Māori, implicitly or explicitly operates according to Māori values, and contributes in some way to the collective well-being of Māori—consistent with the definition advanced by Mika, Fahey, et al. (2019).

A diverse range of Māori perspectives on trade was anticipated for this research. Two categories of Māori perspective were initially set to be canvassed: first, Māori enterprise; second, Māori representative bodies. We decided to focus on Māori enterprise perspectives because the Māori representative bodies were being engaged through MFAT's Māori engagement work on free trade. Te Taumata, the national Māori organisation established to advocate for Māori interests in trade policy (Te Taumata & Ministry of Foreign Affairs and Trade, 2019), has also engaged with a vast array of Māori individuals and organisations on trade, recently publishing its own analysis of the NZ-UK FTA for Māori (Meade, 2021). What was missing, and what the research team believed we could contribute, were Māori enterprise perspectives. We suspect Māori enterprise might see free trade somewhat differently than do other enterprises because of their history, context, nature, purpose, aspirations, and circumstance (Haar et al., 2021; Mika, Fahey, et al., 2019).

In practical terms for this research, five categories of Māori enterprise were identified: (1) Māori authorities—mainly holding collectively owned and managed assets such as Māori land; (2) Māori small

and medium enterprises having between 1 and 99 employees; (3) large Māori enterprises of 100 or more employees; (4) Māori providers—mainly not-for-profit entities established to provide health and social services; and (5) post- and pre-settlement governance entities. In many instances, Māori participants hold multiple roles: Māori small- to medium-sized business owners (27 participants), company directors on medium to large Māori enterprises (8), Māori authority (12), or post-settlement governance entity trustee (8). Thus, a diverse cross-section of Māori enterprise perspectives was obtained.

When asked what a Māori enterprise is, participants' responses were consistent with the definition identified from the literature. There is some consensus that a Māori enterprise is one which is 50 percent or more Māori-owned (the whakapapa of owners) and pursues and commits to kaupapa Māori values. They distinguish between small privately owned Māori enterprises, whose values are determined by the owner, whereas Māori enterprises that hold collectively owned assets are governed by the values to which the collective ascribes—the tribe or part thereof. Participants also emphasised the importance of action, results, and impact, and in part attribute this to the governance of Māori enterprises. There is an expectation that Māori enterprises exist to do good rather than harm people and the environment. There is some suggestion too that the nature of Māori enterprise may change due to a heightened sense of tino rangatiratanga as a result of Treaty settlements—potentially, a next phase of the Māori renaissance that began in the early 1970s (Walker, 1990).

There is also an argument to consider non-Māori enterprises whose workforce is 75 percent or more to be Māori enterprises because of how many Māori families benefit from the firm (Nicholson Consulting, 2019). The benefit quantum argument is a reasonable one, but whether the enterprise could be considered a Māori enterprise is a moot point. Moreover, employment and ownership are different kinds of relationships with firms, with differing entitlements to share in the wealth of the enterprise.

The relevance of the Māori enterprise definition for the NZ-UK FTA is threefold: first, Māori enterprises should speak for Māori enterprises in terms of how they view the FTA and its impact on them; second, the definition may help determine who is caught by provisions pertaining to Māori (e.g., the Treaty clause); third, when forecasting or evaluating the value and impact of the FTA for Māori enterprises, qualitative

and quantitative data on Māori enterprise are useful for this purpose.

10.2 A Māori way of doing business

A Māori way of doing business refers to the philosophy and practice of engaging in entrepreneurial and enterprising activity from a Māori perspective. It is, therefore, indicative of Māori entrepreneurship and Māori enterprise. The relevance of a Māori way of doing business is threefold: first, it gives some indication as to the extent to which the NZ-UK FTA matters to Māori entrepreneurs; second, if it does matter, how differently might Māori entrepreneurs expect to engage in trade with the UK under the FTA, and for what purposes; and, third, it indicates the kinds of tacit knowledge and frameworks Māori entrepreneurs use to assess the value of the FTA.

We found that a Māori way of doing business is evident in:

- The emphasis given to Māori values; the way in which relationships are formed and maintained
- A tradition of adapting enterprise to Māori-defined purposes, needs, and institutions
- Defining good business as non-extractive, environmentally sound, centred on intergenerational and collective equity and wellbeing and whānau enterprise
- Differing reasons for starting enterprise—to help others, to care for the environment, rather than make money—financial gain is a result of fulfilment of an exogenous purpose, which is consistent with the definition of mana-enhancing enterprise (Dell et al., 2018; Hēnare, 2014)
- Operating with a strong cultural foundation, where Māori language and culture exist as modes of organising but also form the basis of the product or service, and
- A preference for and ability to collaborate to scale their activities and compete on favourable terms in the marketplace.

A Māori way of doing business encounters resistance in the form of implicit bias, discrimination, and racism and is vulnerable to usurpation of Māori rights and interests by others, which is reflected in the emphasis on the protection of Māori knowledge in the findings. A Māori way of doing business challenges assumptions that free trade is universally good for and applicable to all enterprise and communities, and that the benefits of removing impediments to trade fall equally among firms and communities. A Māori way of doing business indicates Māori enterprise may have differing reasons

for trade, a different approach to forming relationships, a distinctive approach to offering products and services, and distribute benefits and resolve disagreements differently. They are purpose-driven, values-based enterprises that opt to be part of the Māori economy, and engage in commerce with a clear sense of their identity and the obligations they have as Māori to whānau and whenua.

10.3 The basis for trade between New Zealand and the UK

Pre-contact trade among Māori was understood and practised as a system of gift-giving (Firth, 1929; Mead, 2003), in which the exchange was seen as reciprocal and imbued with spiritual energy as well as a practical transfer of whatever was gifted (Hēnare, 2018). Following the arrival of Europeans from 1769, Māori readily adapted to trade with early settlers, with some tribes establishing sizable economies, eventually trading internationally on Māori-owned vessels (Petrie, 2006). The Whakaputanga o te Rangatiratanga o Nu Tirene—the Declaration of Independence of the United Tribes of New Zealand—was ostensibly an affirmation of the sovereignty of the chiefs in order for them to trade under their own flag (Henry et al., 2020; Waitangi Tribunal, 2014). The burgeoning trade by precolonial tribal economies was virtually undone, however, by the Treaty of Waitangi and the disastrous effects of colonisation that followed (Durie, 1998; Walker, 2004). Over recent decades, as part of the Māori economic renaissance and Treaty settlements, Māori enterprises have been increasingly favourable toward re-engaging in trade (Mika & Ross, 2019), but with an expectation that to do so would be on their terms, where their culture, identity, rights and interests, and aspirations as Māori were to be an integral part of their view of trade as effecting relationships imbued with cultural principles and cultural integrity (Mika, 2014).

In this research, it was found that the reasons for Māori enterprise to trade with the UK are a combination of economic (revenue generation and value creation), cultural (an innate entrepreneurial disposition), historical (history of exploration and precolonial trade), relational (ties to the British Monarch as the original Treaty partner), entrepreneurial (the thrill and art of doing business), distributional (the benefits to whānau, hapū, and iwi), and market demand (there are willing and able customers in the UK who value our offerings). The FTA provides an institutional framework within which to trade on agreed terms. The question is whether and how the NZ-UK FTA is able to reflect Māori enterprise expectations around the basis for trade.

10.4 Challenges and opportunities of trade with the UK

Trade from an enterprise perspective presents both challenges (such as internal and external pressures that induce failure or threaten the existence of a firm) and opportunities (internal capabilities and external advantages). The research asked Māori enterprise

about challenges and opportunities and risks and benefits. These have been combined in Table 1 to indicate challenges and opportunities of trade with the UK as Māori enterprise perceive it.

TABLE 2 CHALLENGES AND OPPORTUNITIES OF TRADE

CHALLENGES AND RISKS	OPPORTUNITIES AND BENEFITS
• Cost—high cost of getting established in market and making mistakes in the UK • Knowledge—inexperience in the market, knowing regulations, partners, channels • Representation—adequate and appropriate Māori representation in FTA negotiations • Trust—a distrust of government and its willingness to uphold Indigenous rights • Structures—limitations of some Māori business structures to diversify activity • Treaty rights—ensuring these are recognised, included, and protected in trade • Scaling—collectivisation to scale to meet demand as farmers and growers • Finance—access to finance to get started and access the market • Intellectual property—protecting Māori intellectual property rights and branding • Infrastructure—lack of access to digital and communications networks • Flora and fauna—unprotected use of native flora and fauna by overseas parties • Carbon footprint—tyranny of distance adds to cost for the planet and enterprise • Relationships—long dissociation with the UK and hurt from previous exclusion • Distribution—distribution impacted by COVID-19 and logistics in supply facilities • Inclusion—Māori must be included in trade negotiations and equitably benefit • Rangatiratanga—recognition of tino rangatiratanga might be eroded by the FTA • Treaty breach by the UK—what if the UK behaves in a way contrary to the Treaty? • Intellectual property—weak protections against unauthorised copying and use • Industry representation—Māori prone to being marginalised by industry bodies • Competition—exposure to competitors and risk of dumping product here • Supermarkets—supermarket power is high and can exclude firms from the market	• Tourism and trade—linking Māori tourism with Māori trade as a conjoint offering • A Māori business support system created by Māori for Māori linked to trade • A partnership-based approach between the Māori and Crown on trade • Empowerment of Māori flax roots peoples and communities to engage in trade • Technology—unrealised gains for Māori in technology-based enterprise • Premiums—realising value from demand for products with a strong cultural narrative • Supply chains—a desire to capture value from end-to-end control of supply chains • SMEs and individuals—making trade accessible and beneficial for all Māori • Intellectual property—protecting Māori knowledge by registering Māori interests • Ease of trade—making transacting easy and without fuss • Market size—access to a larger market and an alternative market in case others decline • Commercial—gains in profitability, sustainability, commercial performance • Financial capital—access to private, non-government capital, expertise, and advice • Brand value—significant gains from successful brand profile among customers

Challenges of trade for Māori enterprises include the cost of getting there, learning about the market, and building a profile in market awareness; knowing which doors to open; enterprise support to access overseas markets; adequate and appropriate representation; effecting partnerships between Māori and the Crown on trade; mobilising flax roots people and communities to participate and benefit from trade; overcoming the limitations of Māori enterprise structures that restrict diversification, innovation, and trade; knowledge gaps about the market and trade; tariffs; scaling to meet market demand and achieve growth aspirations; scaling models that work for Māori enterprise; strengthening cultural and intellectual property rights protections; addressing access to finance; and overcoming cultural reticence about enterprise, trade, and growth. Perception of risks for Māori enterprise from the NZ-UK FTA tend to focus on financial risks, legal risks, capability risks, and cultural risks. The cost of getting to market, operating in the market, and having the financial wherewithal to carry the cost of mistakes are financial risks. The vulnerability of Māori intellectual property to misappropriation is worrying for Māori enterprises because domestic protection mechanisms are not strong.

Opportunities of trade for Māori enterprise—these include customised rather than generic support to engage in trade; collectivising Māori capacity for trade at the tribal level in a return to precolonial degrees of tribal autonomy, capability, and aspiration to engage in trade; a shift in focus to adding technology-based goods and services to the mix of Māori exports; Māori leadership of the opportunity, ownership, and control of the supply chain ('end-to-end') to capture and share a higher degree of the value; incorporating Māori language and culture and history into Māori goods and services; a support organisation for Māori SMEs to engage in trade; to view and support Māori tourism and Māori trade in combination; and to utilise new and existing intellectual property rights frameworks and protections for Māori knowledge, culture, and language.

10.5 Upholding the Treaty of Waitangi in trade policy

In Aotearoa New Zealand, the Treaty of Waitangi is accepted as the founding document of the nation (Keith, 2008), which provides for partnership between Māori and the Crown, protection of Māori rights and interests, and equitable Māori participation in and benefit from any political, social, and economic activity as citizens (Hancock & Grover, 2001). Treaty settlements recognise Crown

breaches of the Treaty and provide some restitution for the impact of the wrongs wrought on Māori, and some basis for rebuilding tribal economies and tribal societies (Mika, Smith, et al., 2019). The Crown recognises its ongoing Treaty obligations to Māori as tangata whenua and as Treaty partners, but it takes a precautionary approach to giving effect to the Treaty in policy—domestic or international—in case any action or omission by the Crown gives rise to new Treaty breaches or new unintended obligations by the State (Webster, 2019). In relation to trade policy, the Treaty exception clause is the current way of protecting Māori Treaty rights and interests and the Crown's obligations to Māori under the Treaty. While the tribunal did not see the Treaty exception clause as operating in any way other than intended, they still had reservations, and so do Māori. The main reservations for Māori centre on the absence of the Crown's partnership with Māori on trade policy and the protection and enforcement of Māori Treaty rights in trade policy and FTAs, and the insufficient level of untested protection offered by the Treaty exception.

In this research, *te Tiriti o Waitangi* (the Treaty of Waitangi) is widely acknowledged among participants as having a role in trade policy. Its role and effect must produce benefits and protections which flow to Māori who aspire to trade. The Treaty represents a foundation for partnership, a rationale to ensure Māori as a Treaty partner are represented at the table throughout the process. Participants were loath to see any unravelling of Treaty rights, obligations, and gains, and indeed expect to see the Treaty implemented to its fullest extent in trade policy. There are underlying concerns about the protection of Māori cultural and intellectual property rights, and ensuring that Māori determine policy on this. There is an expectation that the UK should know and understand the Treaty and has the capacity to implement it in respect of its role in trade with New Zealand. There is an expectation that Māori will be supported to engage in trade equitably under the Treaty.

Māori enterprises were asked what they expected in relation to trade policy and the NZ-UK FTA. Māori expectations resemble earlier findings on the Treaty and its role—Māori expect to be at the negotiating table alongside the Crown as a Treaty partner; Māori expect to have a say on trade policy and be supported to do so. At a minimum, Māori expect the Treaty to be understood, not just by Aotearoa New Zealand but also by the UK, and to be the basis for shared action to support equitable Māori participation, access to opportunity, and benefit from

trade. There is also a desire for a shared vision, strategy, and position on trade among Māori and a unifying entity to bring disparate Māori economic interests together to have an impact on policy and trade. There is an expectation that Māori move from being enterprise owners to supply chain owners, which poses questions about how trade policy and the FTA can enable this to occur. Protection of Māori rights and interests is a common and serious expectation, but whether this can be done in trade policy was questioned by one participant, with other mechanisms preferred. Other participants question the strength of other protection mechanisms for Māori cultural and intellectual property, in particular because the Government's response to Wai 262 is still unfolding (Te Puni Kōkiri, 2020).

10.6 Inter-Indigenous trade

Inter-Indigenous trade is seen by Māori as having much potential on the basis of shared identity as Indigenous peoples, similar values, traditions, and world views, similar colonial histories and experiences, and similar struggles with dominant political, economic, and social institutions in their home States (Mika & Ross, 2015, 2019; Ross & Mika, 2020). However, the promise of inter-Indigenous trade as a viable stream of mutually beneficial economic relations has not yet transpired. While there have been occasions of heightened interest between Māori and Indigenous peoples from Canada, United States, and Australia over the last 30 years, few enterprises of any scale have been established and sustained. This has not dampened enthusiasm for inter-Indigenous collaboration on trade and investment, but it has changed its course from being a nation-to-nation strategy to being a venture or sector-specific collaboration on defined opportunities. It also may suggest the institutional infrastructure is not sufficiently well developed presently to provide for inter-Indigenous markets, trade, and enterprises to form. Moreover, FTAs recognise this potential and are providing for it, but the underlying support for it to occur is uncertain.

Māori enterprises in this research see inter-Indigenous trade as a significant opportunity, but further work is required to realise the benefits. While the cultural case for inter-Indigenous trade is well-made in the view of participants, the economic case remains underdeveloped. Indigenous peoples share much in common (similar values, similar colonial histories, similar aspirations), but also have differences that must be negotiated if inter-Indigenous trade is to become more than it currently is. Participants suggest a focus

on building Indigenous business relationships, sharing information and knowledge, exploring opportunities for exchanges on several levels, including Indigenous policy initiatives (e.g., social procurement), cultural policy (e.g., language and cultural revitalisation), and economic exchanges (e.g., trade, investment) with each other and with non-Indigenous business. Some participants suggest that a governmental body is needed, with appropriate resourcing and governance to develop inter-Indigenous trade, but most seem to see this as something for Māori to lead with the support of others, including Government and industry.

10.7 Māori enterprise perspectives on the success of NZ-UK FTA

As much as the NZ-UK FTA is an instrument to facilitate trade, it also may have other connotations for Māori. Māori enterprises were asked to characterise the FTA in terms of what success would look like, before considering Māori rights and interests and priorities for FTA negotiations. This section explains the findings of these three important questions—success, rights and interests, and priorities in the FTA from a Māori enterprise perspective. Success from a Māori perspective is essentially that the NZ-UK FTA upholds the Treaty, that anyone doing business under the Treaty is doing so in a way that protects Māori rights, particularly Māori intellectual and cultural property rights, but also Māori commercial and non-commercial rights, interests, and imperatives such as environment, social, and cultural considerations. Success is also about the quality of the relationship between Aotearoa New Zealand and the UK under the FTA, and Māori being seen to be part of that at the highest level and participating in and benefiting from this relationship at a consumer, firm, and Treaty partner level. The relationship should also be long term in its orientation, and consider sustainability imperatives and protections for Māori rights and interests. The FTA must be inclusive of Māori people, communities, and enterprises across the diversity and breadth of te ao Māori. The FTA should also make it easier and less costly for Māori enterprises to do business with the UK.

10.8 Māori rights and interests in the NZ-UK FTA

The protection of Māori rights and interests under the NZ-UK FTR is expressed by Māori enterprises in several ways: (1) political support, understanding, and acceptance about the importance of providing for and protecting Māori rights and interests in the

FTA and beyond, by both the UK and New Zealand Governments; (2) the Treaty is a foundation of national identity and ought to exhibit this status under trade policy and the NZ-UK FTA; (3) Māori leadership in the FTA could be achieved by extending the role of Te Taumata to include a role in trade development; (4) a verification process for the indigeneity of products, services, and firms making claims to Māori rights and interests under the FTA; (5) the development of a set of standards for excellence in the appropriate use of Māori knowledge by New Zealand and UK firms; (6) protection of Māori genomic data in flora and fauna; (7) developing the capability of Māori enterprises to scale up their activities and trade with the UK; (8) improving on the idea of easing the movement of people with a Commonwealth passport, or other immigration policy improvements.

Overall, the Treaty is seen as fundamental to trade policy, the FTA, and Māori rights and interests. Māori enterprises stress the principle of partnership, which centres on the relationship between Māori and the Crown, and the inclusivity of Māori in the FTA process and its operation. They highlight the principle of protection of Māori rights and interests in land, knowledge, flora, and fauna and how these are provided for and upheld in trade with the UK, not just by New Zealand but by the UK also. A hypothetical question one participant poses is what would happen if the UK breached the Treaty of Waitangi. How would that be established and dealt with, and by whom? While an abstract notion, it does hint at the historical ties to the UK via the Treaty and what followed as an example of what can happen when there is a power imbalance between peoples, and

when values other than the well-being of Indigenous peoples take hold. Participants elaborate on protecting the Māori right to participate and benefit equitably in trade, and to be supported to do so. This extends to providing for Māori leadership in trade policy, capability development of Māori enterprises, and a role for Māori in facilitating trade and market development for Māori enterprises, potentially with Te Taumata fulfilling this role.

10.9 Māori priorities for NZ-UK FTA negotiations

Māori enterprise perspectives on the general priorities for Māori in the NZ-UK FTA identify several avenues for consideration including (1) more extensive consultation, engagement, and inclusion of Māori in the negotiations team, and transparency about who is representing Māori rights, interests, and aspirations in this process; (2) cultural awareness, understanding, and consideration of the impacts, aspirations, and interests of Māori in the FTA among officials—this applies to New Zealand officials but should be extended to UK officials; (3) transparency, clarity, and definition of the Māori position on the FTA and its content before negotiations commence; (4) mechanisms to protect Māori rights and interests in intellectual property, and quality assurance and standards to guide firms and individuals in its usage; and (5) enablement of Māori enterprise capability development to scale operations and activity to meet demand, and get products to market on competitive and cost-effective terms.



11. CONCLUSIONS

This project set out to research Māori perspectives on the New Zealand-United Kingdom free trade agreement (NZ-UK FTA), and trade policy more broadly. The goal was to assist FTA trade negotiators with insights on what Māori thought about the FTA that the team could incorporate into the negotiations as they were happening, rather than wait until the end. This was somewhat contingent on when the research commenced and how the information was obtained and presented. MFAT engaged the research team at the end of March and the research was conducted between April and June 2021. The focus of this research was on Māori enterprise perspectives. Key Māori organisations such as Te Taumata were informed about the research and invited to contribute their perspective, but further engagement with important Māori organisations is needed.

The purpose of this research was achieved in two main ways: first, the furnishing of six 'batch reports' to MFAT containing a summary of the insights of Māori enterprises in batches of five interviews at a time, with a total of 30 interviews; and, second, a final report containing a review of the relevant literature, findings from a further 20 interviews, and analysis and recommendations. A total of 30 interviews were conducted with Māori enterprises, which have a range of roles and interests in the Māori economy, including Māori authorities, Māori post-settlement governance entities, Māori small and medium enterprise, Māori corporate entities, Māori providers, and as advisors and consultants to Māori enterprise. Participants were identified and recruited through Māori business networks of the research team. The team comprised Dr Jason Paul Mika, Miriama Cribb, Kirsten Rei, Kererua Savage, Kateriina Selwyn, and Nika Rikiriki.

In this research, it was found that:

- Māori business was defined as enterprises that identified as Māori, with 50 percent or more Māori ownership, were committed to enacting kaupapa Māori values, and achieving outcomes that contributed to the well-being of others, and are influenced by tribal aspirations and values in collectively owned enterprises, and privately held values of business owners in smaller firms.
- Māori entrepreneurs in this research hold multiple roles and experiences including as Māori enterprise owners and operators, company directors of small and large pan-iwi Māori enterprises, and non-Māori enterprises with

significant engagement with Māori, as governors and executives in Māori providers, mainly in the health and social services sectors, and in Māori authorities, small and large, administering mainly land assets, across a wide range of sectors, including tourism, agribusiness, viticulture, horticulture, technology, digital and creative sectors, and science and innovation, fisheries, and forestry.

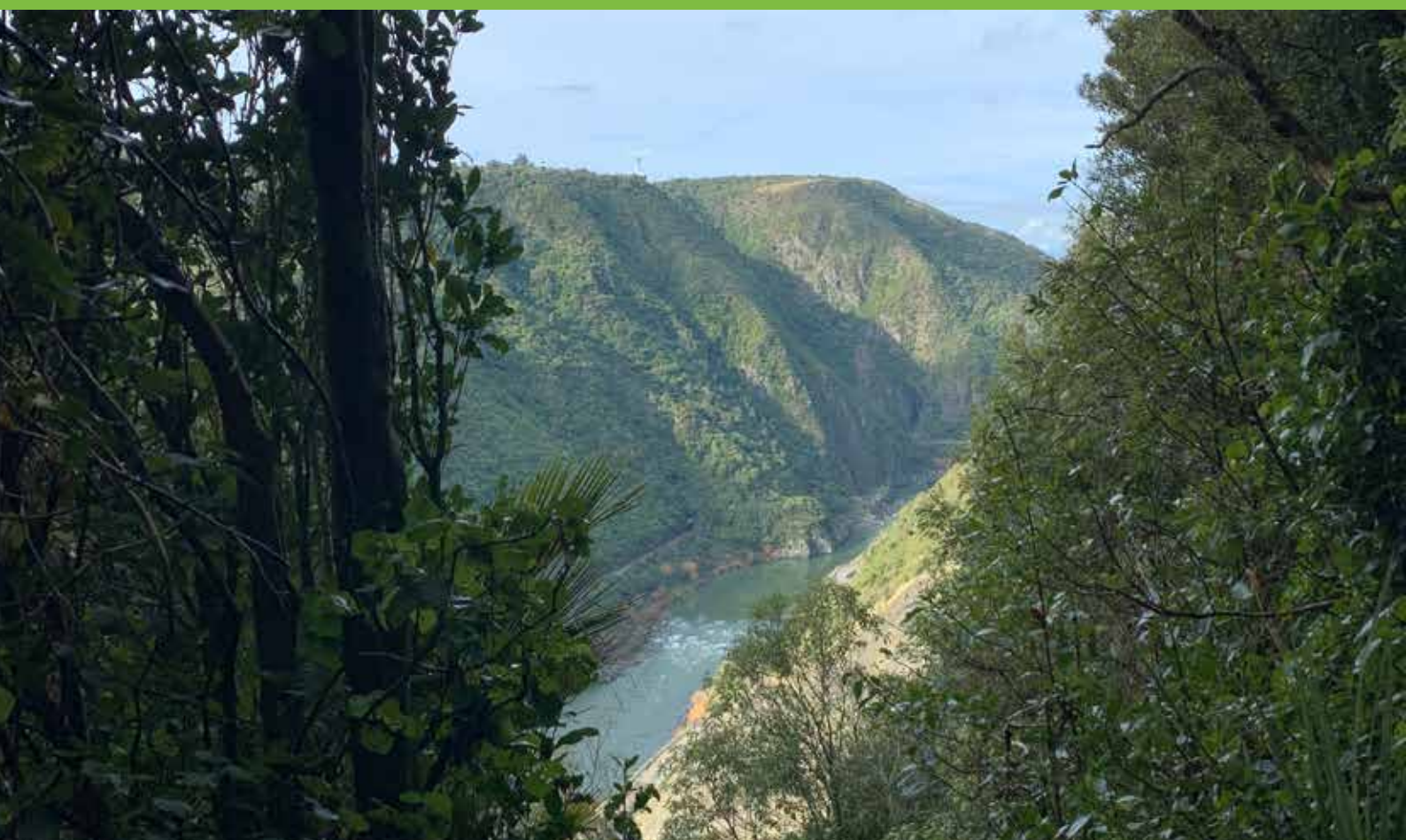
- Participants characterise a Māori way of doing business as the philosophy and practice of Māori enterprise, encompassing te ao Māori (Māori world view), tikanga Māori (Māori culture), te reo Māori (Māori language), as elements of mātauranga Māori (Māori knowledge), which influence perceptions, orientations, and methods of engaging in trade. A Māori way of doing business manifests in purpose-driven, values-based enterprises that opt into being part of the Māori economy, and engage in commerce with a clear sense of their identity and the obligations they have as Māori to whānau and whenua.
- Māori rationalise trade as a reflection of what Māori have always done—traded within one another and with the outside world, having both spiritual and practical value, an extension of the relationships that sustain cultural and social ties among Māori (whanaungatanga), and how to ensure the well-being of each other and the collectives (manaakitanga). Participants recognise trade with the UK as offering Māori enterprise economic, social, cultural, historical, political, and entrepreneurial value, but anticipate inclusion, expect recognition as Treaty partners, and an equitable share in the benefits of trade compared with others.
- Participant perspectives as to the challenges and opportunities indicate a balance between concern about the economic costs and advantages of free trade with the UK and the political recognition and protection of Māori rights and interests. They also signal an opportunity for more work to be done to make trade accessible to and beneficial for flax roots Māori people, their enterprises, and communities, not just Māori enterprises of scale. They also point to advantages beyond the primary sector and see technology and trade in services as future areas of growth for Māori enterprise, underpinned by a partnership-based approach between Māori and the Crown on trade policy and the NZ-UK FTA.

- Participants see the Treaty of Waitangi as fundamental to Māori participation in the NZ-UK FTA. This is inclusive of Māori representation at the negotiating table, Māori involvement in the implementation of the FTA, Māori leadership in Māori trade development, and in the development of Māori enterprise capabilities and scale to deliver on the opportunities presented by trade. The Treaty exception clause is insufficient recognition and provision for this more expansive view of the relationship between Māori and the Crown, including the British Crown in England, on the NZ-UK FTA.
- Participants see much potential in inter-Indigenous trade but not with the UK because of the absence of a recognised Indigenous people in the UK. Inter-Indigenous trade makes sense because of the shared identity as Indigenous peoples, similar values, traditions and world views, and similar colonial histories and experiences. This could be given expression through enterprise collaborations between Māori and other Indigenous peoples to trade into the UK market via the FTA. Inter-Indigenous trade remains an undeveloped opportunity.
- Participants see the success of the NZ-UK FTA as upholding the Treaty of Waitangi—that anyone doing business under the Treaty is doing so in a

way that protects Māori rights, particularly Māori intellectual and cultural property rights, and that Māori benefit equitably from trade with the UK. In essence, the Treaty is fundamental to trade policy.

- Participants see priorities for the FTA negotiators as ensuring a greater degree of inclusion, representation, provision for, understanding of, and support for Māori in the FTA negotiations process, its implementation, monitoring, and effect. Māori want to participate, and to be supported to do so as tangata whenua, as Treaty partners, as enterprises, and as communities with significant potential to contribute and benefit. The FTA is about more than trade, but is significant in terms of the history and contemporary relationship between Māori and the Crown, and trade and its benefits flow from this foundation.

There are some limitations with the research, and the conclusions should be considered with these in mind. First, flax roots Māori views are not generally reflected here; a process needs to be instituted to capture their views. Second, the views of Māori representative bodies on NZ-UK FTA should be obtained. There is potential in the FTA, but much work to do to ensure that the benefits for Māori and Aotearoa New Zealand generally are realised.



12. REFERENCES

- Amoamo, M., Ruwhiu, D., & Carter, L. (2018). Framing the Māori economy: The complex business of Māori business. *MAI Journal*, 7(1), 66-78. <https://doi.org/10.20507/MAIJournal.2018.7.1.6>
- Bargh, M. (2011). Te Tiriti o Waitangi in international relations and trade. In V. M. H. Tawhai & K. Gray-Sharp (Eds.), *Always speaking: The Treaty of Waitangi and public policy* (pp. 48-60). Huia.
- Bargh, M. (2018). Māori political and economic recognition in a diverse economy. In D. Howard-Wagner, M. Bargh, & I. Altamirano-Jiménez (Eds.), *The Neoliberal state, recognition and Indigenous rights: New paternalism to new imaginings* (pp. 293-307). Australian National University.
- Callaghan, P. T. (2009). *Wool to Weta: Transforming New Zealand's culture and economy*. Auckland University Press.
- Coleman, A., Dixon, S., & Mare, D. C. (2005). *Māori economic development: Glimpses from statistical sources (Motu Working Paper 05-13)*. www.motu.org.nz/wpapers/05_13.pdf
- Consedine, B. (2007). *Historical influences: Māori and the economy*. Te Puni Kōkiri.
- Coutts, P. J. F. (1969). Merger or takeover: A survey of the effects of contact between European and Maori in the Foveaux Strait region. *The Journal of the Polynesian Society*, 78(4), 495-516.
- Davis, S. (2006). Ka whakaoho ake i nga tangata nunui: Māori economic development - awakening the sleeping giant. In M. Mulholland (Ed.), *State of the Māori nation: Twenty-first-century issues in Aotearoa* (pp. 53-65). Reed.
- Dell, K. M., Staniland, N., & Nicholson, A. (2018). Economy of mana: Where to next? *MAI Journal*, 7(1), 51-65. <https://doi.org/10.20507/MAIJournal.2018.7.1.5>
- Durie, M. H. (1998). *Te mana, te kāwanatanga: The politics of Māori self-determination*. Oxford University Press.
- Easton, B. H. (2018). *Heke tangata: Māori in markets and cities*. Oratia.
- Firth, R. (1929). *Primitive economics of the New Zealand Maori*. George Routledge & Sons, Ltd.
- Foley, D. (2008). What determines the bottom line for Māori tourism SMEs? *Small Enterprise Research*, 16(1), 86-97.
- Frederick, H. H., & Henry, E. (2004). Innovation and entrepreneurship among Pākehā and Māori in New Zealand. In K. Stiles & C. Galbraith (Eds.), *Ethnic entrepreneurship: Structure and process* (pp. 115-140). Elsevier Science.
- Greaves, L. M., Houkamau, C. A., & Sibley, C. G. (2015). Māori identity signatures: A latent profile analysis of the types of Māori identity. *Cultural Diversity and Ethnic Minority Psychology*, 21(4), 541-549. <https://doi.org/10.1037/cdp0000033>
- Haar, J., Martin, W. J., Ruckstuhl, K., Ruwhiu, D., Daellenbach, U., & Ghafoor, A. (2021). A study of Aotearoa New Zealand enterprises: How different are Indigenous enterprises? *Journal of Management & Organization*, 1-15. <https://doi.org/10.1017/jmo.2021.6>
- Hancock, F., & Grover, K. (2001). *He tirohanga o kawa ki te Tiriti o Waitangi: A guide to the principles of the Treaty of Waitangi as expressed by the courts and the Waitangi Tribunal*. Te Puni Kōkiri.
- Hargreaves, R. P. (1963). Changing Maori agriculture in pre-Waitangi New Zealand. *The Journal of the Polynesian Society*, 72(2), 101-117.
- Harmsworth, G. R. (2005). *Report on the incorporation of traditional values/tikanga into contemporary Māori business organisation and process*. Landcare Research and Mana Taiao Limited.
- Harmsworth, G. R. (2009). Sustainability and Māori business. In B. Frame, R. Gordon, & C. Mortimer (Eds.), *Hatched: The capacity for sustainable development* (pp. 95-108). Landcare Research (Manaaki Whenua). <http://www.landcareresearch.co.nz/resources/business/hatched>
- Harris, G., & Tipene, P. (2006). Māori land development. In M. Mulholland (Ed.), *State of the Māori nation: Twenty-first-century issues in Aotearoa* (pp. 67-79). Reed.
- Hēnare, M. (2014). The economy of mana. In D. Cooke, C. Hill, P. Baskett, & R. Irwin (Eds.), *Beyond the free market: Rebuilding a just society in New Zealand* (pp. 65-69). Dunmore.
- Hēnare, M. (2018). "Ko te hau tēnā o tō taonga...": The words of Ranapiri on the spirit of gift exchange and economy. *Journal of the Polynesian Society*, 127(4), 451-463. <https://doi.org/https://doi.org/10.15286/jps.127.4.451-463>
- Henry, E. (2007). Kaupapa Maori entrepreneurship. In L. P. Dana & R. B. Anderson (Eds.), *International Handbook of Research on Indigenous Entrepreneurship* (pp. 536-548). Edward Elgar.
- Henry, E., & Dana, L.-P. (2019). Māori Indigenous research: Impacting social enterprise and entrepreneurship. In A. De Bruin & S. Teasdale (Eds.), *A research agenda for social entrepreneurship* (pp. 128-135). Edward Elgar.
- Henry, E., Mika, J. P., & Wolfgramm, T. (2020). Indigenous networks: Broadening insight into the role they play, and contribution to the academy. *Academy of Management Proceedings*, 2020(1), 18715. <https://doi.org/10.5465/AMBPP.2020.18715abstract>
- Horsfield, A. K., & Evans, M. (1988). *Maori women in the economy : a preliminary review of the economic position of Maori women in New Zealand*. Ministry of Women's Affairs.
- Houkamau, C. A., Sibley, C., & Hēnare, M. (2019). Te rangahau o te tuakiri Māori me ngā waiaro ā-pūtea: The Māori identity and financial attitudes study (MIFAS): Background, theoretical orientation and first wave response rates. *MAI Journal*, 8(2), 142-158. <https://doi.org/10.20507/MAIJournal.2019.8.2.4>

- Hudson, M., Milne, M., Reynolds, P., Russell, K., & Smith, B. (2010). *Te ara tika: Guidelines for Māori research ethics: A framework for researchers and ethics committee members*. https://www.hrc.govt.nz/sites/default/files/2019-06/Resource%20Library%20PDF%20-%20Te%20Ara%20Tika%20Guidelines%20for%20Maori%20Research%20Ethics_0.pdf
- Hudson, M., Thompson, A., Wilcox, P., Mika, J. P., Battershill, C., Stott, M., Brooks, R., & Warbrick, L. (2020). *Creating guidelines for genomic research in taonga species* 9th Biennial Indigenous Research Conference, 18-20 November 2020, Ngā Pae o te Māramatanga, University of Auckland, Auckland, New Zealand.
- Jurado, T., & Mika, J. P. (2021, submitted). Indigenous entrepreneurship and trade policy: Lessons from Aotearoa New Zealand.
- Kawharu, A. (2016). Process, politics and the politics of process: The Trans-Pacific Partnership in New Zealand. *Melbourne Journal of International Law*, 17(2), 1-24. <http://classicc.austlii.edu.au/au/journals/MelbJIL/2016/13.html>
- Kawharu, A. (2020). The Treaty of Waitangi exception in New Zealand's free trade agreements. In J. Burrows & R. Schwartz (Eds.), *Indigenous Peoples and International Trade: Building Equitable and Inclusive International Trade and Investment Agreements* (pp. 274-294). Cambridge University Press. <https://doi.org/10.1017/9781108675321>
- Kawharu, M., & Tapsell, P. (2019). *Whāriki: The growth of Māori community entrepreneurship*. Oratia.
- Keith, K. (2008). On the constitution: An introduction to the foundations of the current form of government. In M. Webster (Ed.), *Cabinet Manual* (2nd ed.). Cabinet Office, Department of Prime Minister and Cabinet.
- Kelsey, J. (2018). New Zealand and the Trans-Pacific Partnership Agreement negotiations: Strategy, content and lessons. In R. G. Patman, I. Iati, & B. Kiglics (Eds.), *New Zealand and the world: Past, present and future* (pp. 145-167). World Scientific.
- Lai, J. C. (2010). Māori culture in the modern world: Its creation, appropriation and trade. *i-call Working Paper No. 2*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1961482&download=yes
- Mahuika, M. (2006). Māori fishing. In M. Mulholland (Ed.), *State of the Māori nation: Twenty-first-century issues in Aotearoa* (pp. 237-245). Reed.
- McCreanor, T., McManus, A.-L., Moewaka Barnes, A., Rankine, J., Borrell, B., & Nairn, R. (2011). Māori business news in the mass media. *Sites: New Series*, 8(2), 32-56. <http://sites.otago.ac.nz/index.php/Sites/article/viewFile/173/177>
- Mead, H. M. (2003). *Tikanga Māori: Living by Māori values*. Huia Publishers.
- Meade, R. (2021). *Exploring the cultural value of kapa haka – the Māori performing arts – using a binomial logit and other travel cost models*. https://cedf2c8a-ae64-4f90-be62-efeee5080c3f.filesusr.com/ugd/022795_88139eda10574897bc1561f19f2bb577.pdf
- Meade, R., & Rice, P. (2021). *Identifying Māori interests in a UK/NZ FTA, mana ki te mana, rangatira ki te rangatira: What role for the special contributions made by Māori to the UK?* <https://www.tetaumata.com/wp-content/uploads/2021/05/Te-Taumata-UK-FTA-May-2021.pdf>
- Mika, J. P. (2014). The role of culture in Māori international business and trade. In A. Hermens (Ed.), *Proceedings of the ANZAM Annual Conference, UTS, Sydney, Australia, 4-6 December 2014*.
- Mika, J. P. (2018). The role of the United Nations Declaration of the Rights of Indigenous Peoples in building indigenous enterprises and economies. In S. Katene (Ed.), *Conversations about indigenous rights: The UN Declaration of the Rights of Indigenous People in Aotearoa New Zealand* (pp. 156-175). Massey University Press.
- Mika, J. P., Bensemann, J., & Fahey, N. (2016). What is a Māori business: A study in the identity of indigenous enterprise. In L. Bradley (Ed.), *Under new management: Innovating for sustainable and just futures, 30th ANZAM Conference, 5-7 December 2016, QUT* (pp. 244). ANZAM.
- Mika, J. P., Fahey, N., & Bensemann, J. (2019). What counts as an Indigenous enterprise? Evidence from Aotearoa New Zealand. *Journal of Enterprising Communities: People and Places in the Global Economy*, 13(3), 372-390. <https://doi.org/https://doi.org/10.1108/JEC-12-2018-0102>
- Mika, J. P., & O'Sullivan, J. G. (2014). A Māori approach to management: Contrasting traditional and modern Māori management practices in Aotearoa New Zealand. *Journal of Management & Organization*, 20(5), 648-670. <https://doi.org/10.1017/jmo.2014.48>
- Mika, J. P., & Ross, B. M. (2015). *Indigenous business and trade: Different cultures, same issues* International Academy of Business and Public Administration Disciplines (IABPAD), 22-25 July 2015, Pacific Gateway Hotel, Vancouver, Canada.
- Mika, J. P., & Ross, B. M. (2019). International Indigenous business and trade and the role of culture: A comparison between Aotearoa Māori and Alaska Native enterprises. *Journal of Aboriginal Economic Development: Special Issue*, 11(2), 54-71.
- Mika, J. P., Smith, G. H., Gillies, A., & Wiremu, F. (2019). Unfolding tensions within post-settlement governance and tribal economies in Aotearoa New Zealand. *Journal of Enterprising Communities: People and Places in the Global Economy*, 13(3), 296-318. <https://doi.org/https://doi.org/10.1108/JEC-12-2018-0104>
- Ministry of Foreign Affairs and Trade. (2020a). *New Zealand–United Kingdom free trade agreement negotiations: Report on round two: 19 October – 2 November 2020*. <https://www.mfat.govt.nz/assets/Trade-agreements/UK-NZ-FTA/NZ-UK-FTA-Summary-report-R2.pdf>
- Ministry of Foreign Affairs and Trade. (2020b). *New Zealand - United Kingdom Free Trade Agreement negotiations: High level negotiating objectives*. <https://www.mfat.govt.nz/assets/Trade-agreements/UK-NZ-FTA/UK-NZ-FTA-High-Level-Objectives.pdf>

- Ministry of Foreign Affairs and Trade. (2021a). *About free trade agreements*. <https://www.mfat.govt.nz/en/trade/free-trade-agreements/about-free-trade-agreements/>
- Ministry of Foreign Affairs and Trade. (2021b). *Free trade agreements*. <https://www.mfat.govt.nz/en/trade/free-trade-agreements/>
- Ministry of Research Science and Technology. (2007). *Vision mātauranga: Unlocking the innovation potential of Māori knowledge, resources and people*. Author.
- Morgan, P., & Mulligan, W. (2006). *Hei Whakamarama i ngā āhuatanga o te tūrua pō: Investigating key Māori business characteristics for future measures: Thinking paper*. Te Puni Kōkiri. www.tpk.govt.nz/en/in...maori-future.../tpk-keybusinessmeasures.pdf
- Nana, G., Khan, M., & Schulze, H. (2015). *Te ohanga Māori 2013: Māori economy report 2013*. Te Puni Kōkiri.
- Nana, G., Reid, A., Schulze, H., Dixon, H., Green, S., & Riley, H. (2021). *Te ohanga Māori 2018: The Māori economy 2018*. <https://berl.co.nz/sites/default/files/2021-01/Te%20%C5%8Changa%20M%C4%81ori%202018.pdf>
- Nana, G., Stokes, F., & Molano, W. (2011). *The asset base, income, expenditure and GDP of the 2010 Māori economy*. Māori Economic Taskforce.
- New Zealand Council of Trade Unions. (2018). *Submission of the New Zealand Council of Trade Unions Te Kauae Kaimahi to the Ministry of Foreign Affairs and Trade on the "Trade for all" agenda*. <https://www.union.org.nz/wp-content/uploads/2019/12/Trade-for-All-Agenda.pdf>
- New Zealand Institute of Economic Research. (2017). *Benefits of trade*. https://www.exportnz.org.nz/_data/assets/pdf_file/0018/128025/Benefits-of-Trade.pdf
- Nicholson Consulting. (2019). *Te matapaeroa 2019 - looking toward the horizon: Some insights into Māori in business*. <https://www.tpk.govt.nz/en/a-matou-mohiotanga/business-and-economics/te-matapaeroa-2019>
- NZIER. (2003). *Māori economic development: Te ohanga whanaketanga Māori*. Te Puni Kōkiri.
- NZIER. (2005). *Regional Māori business and economic activity: A regional and sectoral analysis*. https://nzier.org.nz/static/media/filer_public/46/8e/468ebc0a-7abf-48fe-b6cc-9ccf0034a0e0/reg_sector_analysis.pdf
- NZIER. (2007). *Māori participation in the New Zealand economy: Final report to Te Puni Kōkiri*. Te Puni Kōkiri.
- Orbell, M. R. (1985). *Hawaiki: A new approach to Maori tradition*. University of Canterbury.
- Pūkaitore Historic Reserve Board. (2020). *Pūkaitore: A history*. <https://teatawhai.maori.nz/wp-content/uploads/2020/04/Pa%CC%84kaitore-A-History.pdf>
- Paki, T. (2018). *Waikato Tainui submission: Trade for All Policy*. <https://www.mfat.govt.nz/assets/Trade-General/Trade-policy/Trade-For-All-Submissions.zip>
- Paterson, L. (2006). *Colonial discourses: Niupepa Māori, 1855-1863*. University of Otago Press.
- Petrie, H. (2002). *Colonisation and the involution of the Māori economy* Session 24 XIII World Congress of Economic History, 20-28 July 2002, Buenos Aires, Argentina. <http://news.tangatawhenua.com/wp-content/uploads/2010/10/24Petrie75.pdf>
- Petrie, H. (2006). *Chiefs of industry: Māori tribal enterprise in early colonial New Zealand*. Auckland University Press.
- Rangihau, J. T. R. A. (1992). Being Māori. In M. King (Ed.), *Te ao hurihuri: Aspects of Māoritanga* (First ed., pp. 183-190). Reed.
- Reid, J., & Rout, M. (2016). Māori tribal economy: Rethinking the original economic institutions. In T. L. Anderson (Ed.), *Unlocking the wealth of tribal nations* (pp. 84-103). Lexington Books.
- Reihana, F., Modlik, H. K., & Sisley, M. (2006). Māori entrepreneurial activity in Aotearoa New Zealand. *Regional Frontiers of Entrepreneurship Research 2006 3rd International AGSE Entrepreneurship Research Exchange 7-10 February 2006*, Unitec, Auckland, New Zealand.
- Rose, W. D. (1997). *The nature and extent of the Māori economic base: A report prepared for Te Puni Kōkiri*. Berl.
- Ross, B. M., & Mika, J. P. (2020). *Indigenous culture in shaping business management, assets or revenue: A look at the United States, Alaska (the Iñupiaq) and New Zealand (the Māori)* International Academy Of Business And Public Administration Disciplines (IABPAD) conference, January 2-5, 2020, Crowne Plaza Hotel - Orlando Universal, 7800 Universal Boulevard, Orlando, Florida.
- Ruwhiu, D., Amoamo, M., Ruckstuhl, K., Kapa, J., & Eketone, A. (2021). Success factors of Māori entrepreneurs: A regional perspective. *Journal of Management and Organization*, 2021(27), 41-61. <https://doi.org/10.1017/jmo.2018.45>
- Sautet, F. E. (2008). *Once were iwi?: A brief institutional analysis of Māori tribal organisations through time*. New Zealand Business Roundtable.
- Schulze, H., & Reid, A. (2019). *EU-NZ FTA: Māori economy*. <https://www.mfat.govt.nz/assets/Trade-agreements/EU-NZ-FTA/BERL-report.pdf>
- Schulze, H., & Sanderson, K. (2018). *Māori exports, current and potential trade with Pacific Alliance countries*. <https://www.mfat.govt.nz/assets/Trade-agreements/Pacific-Alliance-NZ-FTA/BERL-Report-TPK-16-October-2018.pdf>
- Sinclair, K. (1952). Maori nationalism and the European economy, 1850–60. *Historical Studies: Australia and New Zealand*, 5(18), 119-134. <https://doi.org/10.1080/10314615208594935>
- Smith, G. H., Hoskins, T. K., & Jones, A. (2012). Kaupapa Māori: The dangers of domestication. *New Zealand Journal of Educational Studies*, 47(2), 10-20.
- Statistics New Zealand. (2012). *Tatauranga Umanga Māori – consultation paper*. Statistics New Zealand.
- Statistics New Zealand. (2014). *Tatauranga umanga Māori 2014: Statistics on Māori authorities* Author.

- Statistics New Zealand. (2016). *Tatauranga umanga Māori 2016: Statistics on Māori businesses*. Author.
- Statistics New Zealand. (2019). *Tatauranga umanga Māori – Statistics on Māori businesses: 2019 (English)*. <https://www.stats.govt.nz/assets/Uploads/Tatauranga-umanga-Maori-Statistics-on-Maori-businesses/Tatauranga-umanga-Maori-Statistics-on-Maori-businesses-2019-English/Download-data/Tatauranga-umanga-Maori-Statistics-on-Maori-businesses-2019-English.pdf>
- Tapsell, P. (2018). Marae. In M. Reilly, G. Leoni, L. Carter, S. Duncan, L. Paterson, M. T. Ratima, & P. Rewi (Eds.), *Te kōparapara: An introduction to the Māori world* (pp. 102-119). Auckland University Press.
- Te Puni Kōkiri. (2020). *Wai 262 – Te pae tawhiti: Targeted engagement report, preliminary proposals for Crown organisation*. <https://www.tpk.govt.nz/en/a-matou-mohiotanga/crownmaori-relations/wai-262-te-pae-tawhiti-targeted-engagement-report>
- Te Taumata, & Ministry of Foreign Affairs and Trade. (2019). *Memorandum of understanding between Te Taumata and the Ministry of Foreign Affairs and Trade*. <https://www.mfat.govt.nz/assets/Uploads/MFAT-Te-Taumata-MOU.pdf>
- Te Taumata welcomes claimant-led trade group. (2020, 23 December). *Waatea News*. https://www.waateanews.com/waateanews/x_news/MjYzNTE/Paakiwaha/Te-Taumata-welcomes-claimant-led-trade-group
- Trade for All Advisory Board. (2019). *Report of the Trade for All Advisory Board*. <https://www.tradeforalladvisoryboard.org.nz/wp-content/uploads/2019/11/FINAL-with-cover-Trade-for-All-report.pdf>
- Waitangi Tribunal. (2006). *The Hauraki report: Volume 1*. Legislation Direct https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68330839/Hauraki%20Vol%201.pdf
- Waitangi Tribunal. (2014). *He Whakaputanga me te Tiriti: The Declaration and the Treaty: The report on stage 1 of the Te Paparahi o Te Raki inquiry (Wai 1040)*. https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_85648980/Te%20RakiW_1.pdf
- Waitangi Tribunal. (2016). *Report on the Trans-Pacific Partnership Agreement (Wai 2522)*. https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_104833137/Report%20on%20the%20TPPA%20W.pdf
- Waitangi Tribunal Claimants, & Ministry of Foreign Affairs and Trade. (2020). *Joint press release by Waitangi Tribunal claimants and the Ministry of Foreign Affairs & Trade* <https://www.mfat.govt.nz/en/media-and-resources/joint-press-release-by-waitangi-tribunal-claimants-and-the-ministry-of-foreign-affairs-and-trade/>
- Walker, R. J. (1984). The genesis of Maori activism. *The Journal of the Polynesian Society*, 93(3), 267-281.
- Walker, R. J. (1990). *Ka whawhai tonu matou: Struggle without end*. Penguin.
- Walker, R. J. (2004). *Ka whawhai tonu matou: Struggle without end* (Second ed.). Penguin.
- Webster, M. (2019). *Cabinet Office circular: Te Tiriti o Waitangi / Treaty of Waitangi guidance* (CO (19) 5). <https://dpmc.govt.nz/publications/co-19-5-te-tiriti-o-waitangi-treaty-waitangi-guidance>
- Webster, S. (2002). Māori retribalization and treaty rights to the New Zealand fisheries. *The Contemporary Pacific*, 14(2), 341-376.
- Williams, J. V., Kearney, R., Maaka, R., Ringwood, P., & Walker, K. (2011a). *Ko Aotearoa tēnei: A Report into claims concerning New Zealand law and policy affecting Māori culture and identity - Te taumata tuarua* (Volume 2). https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356606/KoAotearoaTeneiTT2Vol2W.pdf
- Williams, J. V., Kearney, R., Maaka, R., Ringwood, P., & Walker, K. (2011b). *Ko Aotearoa tēnei: A Report into claims concerning New Zealand law and policy affecting Māori culture and identity - Te taumata tuatahi* (Volume 1). https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356054/KoAotearoaTeneiTT1W.pdf

ANNEX 1 TERMS OF REFERENCE

This research was designed and conducted in accordance with the following terms of reference.

Project Objectives

1. Undertake research through a combination of detailed quantitative and interview-based qualitative analysis with a view to better understanding Māori interests in trade, and reflecting these interests in the NZ-UK Free Trade Agreement (FTA) negotiations, and trade more broadly.
2. The outcome of the research will be presented in a publicly available report, outlining disaggregated data insights, interview findings from a broad range of Māori with an interest in trade, and recommendations aligned to the specific elements of the trade agreement currently being negotiated with the UK.

Background and Context

1. There is significantly heightened Māori interest in a NZ-UK FTA and a range of Māori perspectives unique to the relationship between the British Crown and Māori.
2. MFAT prioritises the Māori-Crown Relationship and outcomes for Māori exporters, trade underpinned by mātauranga Māori, honouring and protecting Treaty principles and ensuring we maintain New Zealand's right to regulate in the public interests. Detailed views from Māori will help inform Aotearoa New Zealand's approach to negotiations with the UK in a way that reflects Māori interests.
3. Trade is a key driver of New Zealand's economic growth, competitiveness, employment and prosperity. Māori business is vital to the success of the New Zealand economy, and makes up a significant share of New Zealand exports, and is a significant contributor to New Zealand's well-established value chains, capacity and capability.
4. Understanding trade outcomes that benefit Māori as Treaty partners both in business and communities is a key driver for our [Trade for All Agenda](#), and in line with the [Trade for All Advisory Board recommendations](#) (TFAAB). This project aligns with a number of TFAAB recommendations including: recommendation 3 – protecting and promoting Indigenous intellectual and cultural property rights, recommendation 13 – better communication with Māori about the values of trade, recommendation 19 – the development of a super diversity lens to all consultation and engagement processes, recommendation 21 – developing a policy for engaging with 'hard to reach' communities, 35 – legitimising, catalysing, coordinating and nurturing New Zealand's credence attributes for trade, tourism and export education... in collaboration with Māori, and recommendations 36 – 39: "Taking Te Ao Māori to the World". The TFAAB recommendations also align to the principles of the Treaty of Waitangi, for example Article 1 (Partnership) aligns to recommendations 36 – 39, Article 2 (Protection) aligns to Recommendations 13, 19 and 21, and Article 3 (Protection) aligns to Recommendations 3 and 35.
5. This research is an initiative under the NZ-UK FTA Māori Engagement Strategy which seeks to create the space for Māori to engage in the trade conversation on terms that suit Māori. The strategy consists of various elements to engage with Māori on trade, including through MFAT's Māori Policy Unit networks, Te Puni Kōkiri regionally based teams, other agency Māori networks in specific areas of interest, and MFAT's independent trade reference group Te Taumata.
6. Additional research into Māori interests in trade is also under way, including a quantitative analysis led by Te Taumata, and research into the interests of wāhine Māori and women in trade led by the Ministry for Women.
7. More information on the NZ-UK FTA negotiations is available:
 - New Zealand's trade policy: www.mfat.govt.nz/trade
 - FTA negotiations with the UK: www.mfat.govt.nz/UKFTA
 - New Zealand's high-level negotiating objectives for the UK FTA (in Te Reo Māori and English): <https://www.mfat.govt.nz/en/trade/free-trade-agreements/agreements-under-negotiation/new-zealand-united-kingdom-free-trade-agreement/what-we-are-negotiating/>

Consultations and provision of information to date

8. The following engagement with Māori has already taken place under the NZ-UK FTA Māori Engagement Strategy:
 - Consultation with Te Puni Kōkiri's regionally based teams and Māori networks in other government agencies;
 - Regular engagement with Te Taumata since the launch of negotiations in June, including detailed sessions on New Zealand's negotiating objectives in some areas;
 - A dedicated webinar for Māori stakeholders in December 2020, with an introduction to trade agreements and background on negotiations with the UK shared with registered participants in advance (see Annex 3);
 - Introductory session with Ngā Toki Whakarururanga on 15 December 2021; and
 - Invitations to known Māori stakeholders to join MFAT's wider consultations and engagement on the UK FTA, including webinars with Chief Negotiators during negotiating rounds.
9. In support of this activity, New Zealand's negotiating objectives and reports on each negotiating round are available in Te Reo Māori on MFAT's website.
10. As part of the NZ-UK FTA Māori engagement strategy, a summary of the key elements of a trade agreement and questions tailored to prompt a response from Māori has been circulated (Annex 1).
11. To date, there has been limited responses to outreach efforts due to competing interests such as Covid-19, Māori authority, peak body and iwi/hapū annual general meetings typically held at the end of the year, and the New Zealand summer break. Additionally, conversations with Māori outside of the Taumata have been relatively high-level, compared to the specificity that chapter leads need when reflecting the detail of Māori interests in text-based negotiations.

Māori Interests in Trade – to date

12. MFAT has a level of understanding of known Māori interests in trade to date, drawn from the above consultations, Trade for All Agenda and Advisory Board Report, ongoing MFAT Taumata hui including on [Māori interests in the impacts of intellectual property rights](#), the [EU-NZ FTA Māori Economy BERL Report](#), and the [Wai262](#) and [Wai2522](#) Waitangi Tribunal enquiries.
13. Known Māori interests to date include:
 - What the Treaty of Waitangi partnership means for Aotearoa New Zealand and Māori in the context of a UK-NZ FTA, including upholding the Treaty of Waitangi Principles within the context of free trade agreements;
 - The Māori economy and trade interests in market access, including significant export interests in the primary sector;
 - Diverse interests across services and digital trade;
 - The protection of mātauranga Maori and taonga works, environmental sustainability and the guardianship role of Maori with taonga species; and
 - Improving conditions and promoting engagement in trade for Māori SMEs and women-led businesses.
14. Many of these trade interests were conveyed directly to the UK negotiating team by an independent and substantive presentation by Māori community leader and Te Taumata member, Te Taru White, in January 2021. This presentation pitched these interests in the context of Māori views of the Treaty, matauranga Māori, and principles like kaitiakitanga and other community values.

Project Scope

15. The project aims to produce a report that provides comprehensive insights into Māori interests in trading with the UK under a future NZ-UK FTA. This will include recommendations as to what interests the government should seek to reflect in trade negotiations with the UK.
16. In order to better understand Māori interests in the NZ-UK FTA the project will:
 1. Provide qualitative information on specific Māori interests within the current scope of FTA negotiations with the UK, and identify any trade-related gaps in this agenda that the researchers consider should be prioritised based on Māori feedback. This includes a Māori perspective on the following:
 - a. Priorities for removing barriers to goods exports (e.g. what products should be prioritised for early tariff elimination);
 - b. Priorities for removing barriers to services exports (e.g. what sectors and what existing regulatory barriers in the UK should be prioritised in negotiations);
 - c. Inward and outward investment interests;
 - d. Discriminatory barriers that limit access to UK government procurement contracts, and an assessment of what sectors/government agencies Māori contractors are most interested in being able to access;
 - e. Digital trade and business conducted online, including trading with or selling to UK consumers via digital means, and protecting consumer privacy and data;
 - f. What specific outcomes should New Zealand prioritise in respect to intellectual property (including in the area of protecting traditional/cultural knowledge and supporting Māori export interests);
 - g. How the FTA can best support environmental protection and promote sustainable development; and
 - h. Creating opportunities to cooperate with the UK in areas such as taonga held offshore, cultural tourism, language revitalisation, broadcasting and attracting investment.
 - i. The key areas of policy where the flexibility of governments (current and future) should be protected, through for example exceptions and policy space that should be preserved

The above analysis should not only reflect existing Māori interests, but consider to what extent these might change over the medium term.

2. Where relevant, use data provided by MFAT's Economic Division (ECO Division) to identify trends that provide further insights into the qualitative interview results. ECO Division is currently undertaking analysis within the Statistics New Zealand Integrated Data Infrastructure (IDI) and the corresponding Longitudinal Business Database (LBD) to better understand the distribution of trading and non-trading firms by several dimensions. Part of the analysis will look at firms by ethnicity, i.e. the ethnicity of employees and working proprietors, with a particular focus on the Māori and the Māori community's links to trade.
3. Summarise the results of 1) and 2) and provide clear recommendations to MFAT on where Māori interests should be reflected across the agreement, taking into account New Zealand's wider domestic policy and legislative context (including the importance of not circumventing policy processes already under way) and the scope of trade agreements (noting that the unique New Zealand-UK historical relationship may also provide some scope to pursue innovative ideas).
17. The project will also include a mechanism so as to provide negotiators with access to insights and data from Māori in real time. This will ensure that Māori interests are better understood as interviews are completed, and more quickly considered as part of New Zealand's negotiating approach. This could include a high-level summary immediately after interviews are completed. Detail of this mechanism will be worked through with researchers.

18. MFAT has also identified Māori networks that engage with government on specific areas of interest, that relate to trade agreements. While we expect research to be broader than the Māori networks already identified, this has been included in Annex 2 for reference.
19. While the immediate priority of this research is to provide comprehensive insights into Māori interests in trading with the UK under a future NZ-UK FTA, an opportunity exists to leverage the engagement framework developed during this process to inform MFAT's broader trade policy going forward, particularly in the context of the TFA recommendations. Detail of how to leverage this opportunity will be worked through with researchers.

Project Approach

20. The skill set required to undertake this project includes an in depth understanding of Te Ao Māori, mātauranga Māori, access to a broad spectrum of Māori networks, detailed knowledge of trade agreements and trade negotiations, and an understanding of known Māori interests in areas relevant to trade such as intellectual property, digital trade, and tourism. Based on the required skills, it is possible this project will require two researchers.
21. Researchers will undertake this project in line with MFAT's agreed Principles of Engagement (Annex 4), according to the NZ-UK FTA Māori Engagement Strategy.
22. Where two researchers are necessary, effective coordination and collaboration is expected so as to reduce the burden on interviewees. This includes working to a time frame and travelling to a location that best suits the interviewee. Please note interviewees don't have to be in New Zealand, but travel expenses are limited to domestic travel only. The mātauranga Māori expert will be well versed in tikanga, including when and how to approach Māori to engage in this work, and provide MFAT with advice on how participants want to be engaged with post-interview process.
23. Researchers will be required to provide information to interviewees in advance of in-depth interview sessions to enable meaningful engagement on the specifics of a trade agreement.
24. It is possible interviewees may seek financial support to participate in this research. This has been reflected in the estimated budget.
25. This project is seeking feedback from a wide cross-section of Māori that have an interest in, or are directly impacted by, trade. It is expected that interview pool consists of at least 30 - 40 interviewees with various interests and perspectives relating to trading with the UK and New Zealand trade policy, and that the interview process is detailed and intensive.
26. Researchers will provide methodology for the selection of interviewees for this project. Methodology details will included information such as iwi affiliations, demographic, location, sector if relevant, employment details, gender, age bracket, and contact details.

Key Deliverables

KEY DELIVERABLES	RESPONSIBLE	TIMEFRAME
Finalise TORs	MFAT	By 5 February 2021
Agree Researcher Proposal	Researcher	By 5 February 2021
Finalise Procurement Plan and Contact	MFAT	By 11 February 2021
Undertake interview-based research	Researchers	February/early March 2021
Create mechanism to provide MFAT with real time data as interviews progress	Researchers	Ongoing
Initial findings provided to MFAT on interview feedback on topics noted in paragraph 13.1, particularly (g)-(j), and other Māori interests beyond the topics listed in 13.1	Researchers	15 March 2021
DRAFT Report circulated	Researchers	29 March 2021
Feedback loop to Māori that participated in interview process	Researchers	April 2021
FINAL Report provided to MFAT	Researchers	April/May 2021
Report finalised and shared with participants	Researchers and MFAT	April/May 2021
Webinar on report findings	Researchers	May/June 2021
Provide evaluation on how research framework developed throughout this process can be used to further inform New Zealand's broader trade policy going forward – as per Project Scope paragraph 18.	Researchers and MFAT	May/June 2021

ANNEX 2 INFORMATION SHEET

INFORMATION SHEET

New Zealand–United Kingdom Free Trade Agreement: Māori enterprise perspectives

15 April 2021: Final version

HE MIHI

Tēnā koutou katoa. Ngā mihi nui ki a tātau i ngā āhuatanga maha o te wā. Nau mai haramai ki tēnei rangahau. Ko te pūtake he āta tirohia ki tā te whakaaro Māori ki ngā painga o te kirimana i waenganui i a Aotearoa me Peretānia e pā nei ki te tauhokohoko. Tihei mauri ora!

INTRODUCTION

Dr Jason Paul Mika of Ace Consulting (Ace), in association with Glenn Hawkins & Associates (GHA), has been engaged by the Ministry of Foreign Affairs and Trade (MFAT) to carry out independent research on the views of Māori enterprise on two matters: (1) Māori interests in a New Zealand–United Kingdom Free Trade Agreement (NZ–UK FTA); and (2) Māori interests in trade policy generally. Māori enterprise perspectives will inform the FTA negotiations, a report on the findings by 30 June 2021, and academic publications.

INVITATION TO PARTICIPATE IN AN INTERVIEW

If you are trading internationally or intending to within a Māori enterprise, we invite you to participate in a confidential kōrero with our team. The kōrero will take around 60 minutes. We would like to kōrero about what's needed in a NZ–UK FTA from a Māori perspective, what works, what doesn't, and what's needed in trade and trade policy generally. Kōrero will be conducted by video call, by phone, or in-person from 14 April 2021 to 17 May 2021.

A NEW ZEALAND–UNITED KINGDOM FREE TRADE AGREEMENT

A free trade agreement (FTA) is a treaty between countries, which defines rules intended to reduce the cost of doing business internationally. A typical FTA removes tariffs and nontariff trade barriers while protecting the right of a country to set policy in the public's interest. All FTAs to which Aotearoa New Zealand is a party must include a Treaty of Waitangi exception. This clause allows the government to adopt policy to fulfil its obligations to Māori. The trade negotiations goal is to achieve the most favourable terms possible. NZ–UK FTA negotiations commenced June 2020 and will continue through 2021. Brad Burgess is New Zealand's chief negotiator and MFAT's trade negotiations division is leading the negotiation. MFAT is committed to ensuring the FTA reflects Māori interests. This research will contribute to the trade negotiators' ability to do this by providing timely insights on Māori interests.

PARTICIPANT RIGHTS

As a participant, you have the right to:

- Decline to answer any question;
- Withdraw at any stage;
- Ask questions about the research at any time;
- Not be named unless you give permission to the researcher;
- Be given an electronic report of the findings and a copy of your transcript; and
- Ask for the recorder to be turned off at any time during the interview.

PROJECT CONTACTS

If you have any queries, please contact Jason Mika in the first instance.

Contact	Role
Dr Jason Paul Mika Director, Ace Consulting e: j.p.mika@massey.ac.nz m: 021 970 421	Jason is a Māori entrepreneurship researcher who has written on Māori enterprise and trade policy. Jason will lead the research, writing of the report and academic publications.
Kererua Savage Consulting Manager, GHA e: Kererua@gha.co.nz m: 021 714 132	Kererua is GHA's consulting manager with substantial experience in Māori economic development. Kererua will lead the GHA team who will be conducting interviews.
Diana Hawker Deputy Chief Negotiator, NZ–UK FTA Ministry of Foreign Affairs and Trade e: diana.hawker@mfat.govt.nz m: +64 21 513 471	Diana is a lead advisor in the Trade Negotiations Division and deputy chief negotiator for the NZ–UK FTA. Diana is the MFAT contact for this research. For general feedback on the NZ–UK FTA, you can email: UKFTA@mfat.govt.nz

ETHICAL CONSIDERATIONS

The researchers are responsible for the ethical conduct of this research. The research is being conducted in line with guidelines for ethical research with Māori. Your data will be kept in a password protected file storage system by Ace. If you have any queries about the research, please contact Dr Jason Mika on 021 970 421 or j.p.mika@massey.ac.nz.

USEFUL LINKS

[Te Taumata](#)

[Waitangi Tribunal report \(2019\) on the Trans-Pacific Partnership Agreement \(Wai 2522\)](#)

[New Zealand–United Kingdom Free Trade Agreement](#)

[NZ–UK FTA summary of round one trade negotiations](#)

[BERL report on Māori exporting \(2018\)](#)

[Trade for All Advisory Board Report \(2019\)](#)

[BERL report on EU-NZ FTA \(2019\)](#)

ANNEX 3 CONSENT FORM

PARTICIPANT CONSENT FORM—INDIVIDUAL
New Zealand–United Kingdom Free Trade Agreement:
Māori enterprise perspectives

15 April 2021: Final version

I have read the Information Sheet and have had the details of the study explained to me. My questions have been answered to my satisfaction, and I understand that I may ask further questions at any time.

Please tick the boxes that apply:

- ☐ I agree to the interview being sound and/or video recorded.
- ☐ I wish to have my recording and transcript returned to me.
- ☐ I agree to participate in this study under the conditions set out in the Information Sheet.

Signature

Date:

.....

.....

Full name

Iwi affiliation

Postal address

Email:

Phone:

.....

ANNEX 4 INTERVIEW SCHEDULE

INTERVIEW SCHEDULE

New Zealand–United Kingdom Free Trade Agreement: Māori enterprise perspectives

22 April 2021: Final version

Introduction

Thanks for agreeing to talk to us about the NZ-UK FTA. The kōrero will take about 60 minutes, but we're flexible depending on the time you have. Are you okay if we record the interview? We're going to ask questions about you and your business, about trade policy generally, then about the FTA and how it might affect you, your enterprise and Māori generally.

About you

1. Where you were born and raised? [origin stories, rapport building, early life socialisation]
2. How did you come to be in your current role? [background, getting into business]
3. What does being Māori mean to you? [identity, being Māori, its effect on self and firm]

About Māori enterprise

4. How do you define Māori business? [ownership, Māori values, management, other]
5. Is there a Māori way of doing business? [Māori values, Māori management, other]
6. What does your business do? [provide goods, services or intermediary services]

NZ–UK FTA

7. What does success look like for Māori in terms of an FTA with the UK? [positive vision]
8. What benefits do you see for Māori enterprise from an FTA with the UK? [advantages]
9. What risks do you see for Māori enterprise from an FTA with the UK? [disadvantages]
10. What rights and interests do you have as Māori in an FTA with the UK? [interests]
11. How can an FTA with the UK protect or enhance Māori rights and interests? [provision]
12. What can be done within an FTA with the UK for Māori in terms of:
 - a. Access for Māori goods and services [lower compliance and remove tariffs]
 - b. Access for Māori to investment to and from the UK [freedom to invest]
 - c. Access for Māori to UK government and private sector contracts [procurement]
 - d. Access to trade in digital technologies and trade using digital means [access]
 - e. Protection of environmental rights and interests [protection and enhancement]
 - f. Protection of cultural and intellectual property [protection and enhancement]
 - g. Support for wāhine Māori to trade with the UK [gender, diversity, inclusion]
 - h. Support for Māori SMEs to trade with the UK [access, reduced barriers, support]

Priorities for negotiation

13. Of the issues we've just discussed, what do you see as the top priority for Māori?
14. What would be the top priority for your business in an FTA with the UK?

Māori enterprise and trade

15. What is your involvement in and experience of international trade? [exporter, advisor]
16. Why do you as Māori engage in international trade? [rationale for trade]
17. What are the challenges and opportunities for Māori in trade? [pros and cons]
18. What is the role of the Treaty of Waitangi in trade policy? [treaty rights]
19. What are your expectations as Māori for trade policy? [rights upheld, equity, equality]
20. Is inter-Indigenous trade important to you? If yes, how so? [Indigenous trade]

Final comment

21. Is there anything else that you would like to add or comment on or ask about?
 - a. Freedom from discrimination, prejudice and harassment as Māori
 - b. Protection of Indigenous rights under the United Nations declaration
 - c. Support services and systems for Māori who want to trade with the UK
 - d. Treaty-based frameworks for trade policy, trade negotiation, trade agreements
 - e. Low cost enforcement of Māori rights and interests in trade with UK firms
 - f. Low cost entry for Māori firms to trade with the UK
 - g. An effective mechanism to operationalise the treaty exception
 - h. Targets for Māori participation in and benefits from trade with the UK
 - i. Changes to trade policy and Māori involvement in this process
 - j. Access to work in the UK associated with Māori trade
 - k. Access to people from the UK who can work in NZ in Māori enterprises
 - l. Investment by UK firms and individuals in NZ directed to Māori enterprises
 - m. Access to high quality trade services, facilities in the UK for Māori enterprises





ACE CONSULTING

**INDEPENDENT
RESEARCH
REPORT**
14 JULY 2021