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Indigenous Sovereign Trade Consultancy



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IPETCA A New Indigenous Trade Tool

CIAJ
The Law of Borders
Panel 8
Indigenous Sovereignty
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Wayne D. Garnons-Williams
Chair, International Inter-tribal Trade and Investment Organization &
Senior Lawyer, Garwill Law Professional Corp.
CEO, Indigenous Sovereign Trade Consultancy Ltd.

GARWILL LAW
RESULTS · RESOLUTION · RESPECT



LITIGATION



LEGAL ADVICE

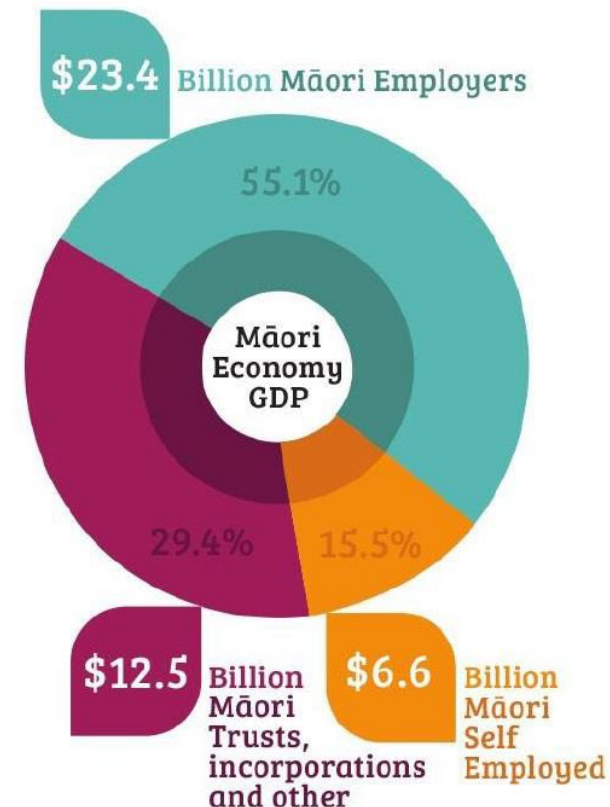


ALTERNATIVE DISPUTE RESOLUTION

Emerging Opportunities

The Māori economy

- ▶ Economy: ≈ \$50b total assets, **\$43b (2014)**, \$37b (2010)
- ▶ Land ownership (collective) ≈ 5%
- ▶ Forestry land 40%, Fishing quota 50%, Lamb production 30%
- ▶ “Māori Economy”
 - ▶ all **business assets** of people and entities who identify as Māori
- ▶ “Māori Sector”
 - ▶ all **entities** that identify as Māori (or focus solely on Māori outcomes)



Past Indigenous Trade Opportunities

- 2013 - Māori of NZ/ Indigenous Peoples of Taiwan Agreement
- 2018 - CPTPP
- 2018 - ITAG
- 2019 - MERCOSUR
- 2019 - USMCA- Art. 32.5 Indigenous Rights Exception Clause
- 2020 - New Zealand/Australian Indigenous Arrangement on Trade
- 2021 - NZ/UK Trade Agreement - Indigenous trade clause
- Feb 2022 - IPETCA
- June 2023 - Can/UK Trade Agreement - Indigenous Trade clause - in negotiation



IPETCA Overview

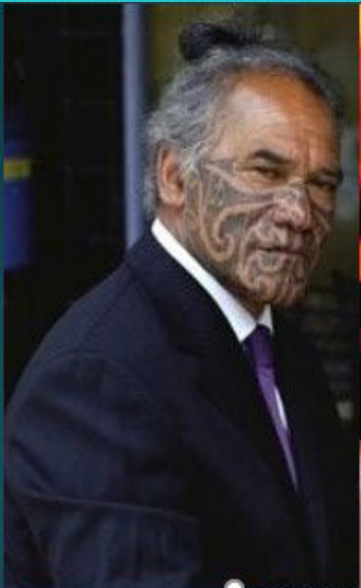


This Presentation will cover:

1. What IPETCA is
2. What Makes IPETCA different
3. Core Results in IPETCA
4. Working Mechanism & Implementation

What is IPETCA & what makes it special?

- IPETCA: *Indigenous Peoples Economic Trade and Cooperation Arrangement*
- 1st modern comprehensive International Indigenous Trade Arrangement



Inclusive Process of Development

- New Zealand gov't - APEC lead in 2021 led with the Māori in development of IPETCA
- Canada, Australia and Chinese Taipei all developed collaboration systems in the development of the IPETCA trade negotiations



Indigenous led IPETCA trade committees

- International Indigenous IPETCA trade committee
 - only Indigenous representatives from the membership countries
 - tasked with resolving issues that gov't nation-to-nation reached an impasse on
 - Designated Indigenous Subject Matter Experts from each nation to meet off-line to discuss and find compromise



IPETCA Core Results



1. Definition of Indigenous Trade
2. Environmental Protections
3. Indigenous “worldview”, TK & Cultural Heritage
4. 22 Indigenous trade & business topics

Core Results

(#1) Definition of Indigenous Trade

“Indigenous trade and investment” in this Arrangement includes forms of trade and investment with, between, and among, Indigenous peoples from the participating economies. Indigenous trade and investment may be constituted in elements that include:

- (i) trade and investment that is relational and aims to build long-term networks of exchange;
- (ii) Indigenous laws and values, including reciprocity, care, trust, respect, and generosity;
- (iii) operating within an intergenerational framework; and
- (iv) the responsibility of Indigenous peoples to protect their lands, resources, and the spiritual interrelationship of the human and natural world, as well as the integrity of the natural systems themselves,

while acknowledging the right of Indigenous peoples to develop their economic and social systems, including through trade and investment with non-Indigenous peoples and through new technologies.



Core Results

(#2) Environmental Protections

- United Nations 2030 Agenda for Sustainable Development and of achieving the Sustainable Development Goals
- UN Financing for Development Addis Ababa Action Agenda
- United Nations Framework Convention on Climate Change
- Paris Agreement
- Convention on Biological Diversity
- United Nations Convention to Combat Desertification
- Convention on the International Trade in Endangered Species



Core Results (#3) Worldview, TK and Cultural Heritage

Article 4 (a) - environmental consideration to

(iv) promote international trade policies and Indigenous policies that are mutually supportive in order to:

(c) to further *Indigenous peoples' worldviews* regarding the sustainable management of natural resources, in order to advance economic development;

Article 7 of IPETCA: *Cultural Heritage, Traditional Knowledge, And Traditional Cultural Expressions*



Core Results

(#4) Business/ Trade topics

- Areas of Cooperation – Article 8
- twenty-two listed Indigenous trade and business issues
- Article 8, while extensive, is not mandatory or exhaustive.

Working Mechanism and Implementation

- Content
- Philosophy
- Inclusiveness



Partnership Council

2 gov't reps & 2 Indigenous reps
per participating economy

Robust Mandate:

- enable Indigenous business to export goods and services
- share knowledge internationally
- perform other functions that it may decide upon



Informal APEC Caucus

- working outside the formal scope of IPECTA
- work alongside the annual APEC meetings
- raise awareness of Indigenous trade issues at the larger APEC forums



Conclusion

The promises of the IPETCA:

- Indigenous partnership as equals with participating economies
- Respect for Indigenous cultures and way-of-life
- The exercise of reasonable commercial harvesting for Indigenous trade and commerce
- Environmental concerns are part of Indigenous business



Thank You



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