

# INDIGI-X

Position Paper

## EXPLORING THE PROMISE OF A SUSTAINABLE AND INCLUSIVE TRADE AGENDA FOR INDIGENOUS PEOPLES



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# ABOUT INDIGI-X

INDIGI-X is a program that facilitates the connection of Indigenous Changemakers around the world, encouraging collaboration and economic growth. INDIGI-X was founded in 2020 with the following objectives:

- To **foster meaningful connections** between Indigenous leaders around the world
- To **facilitate the development of Indigenous economies** by strengthening the formal and informal networks between countries
- To demonstrate the **power of global Indigenous collaboration**

To learn more about the organization and our programming, visit [www.INDIGI-X.com](http://www.INDIGI-X.com).

# ABOUT THE AUTHORS

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# ACKNOWLEDGEMENT

This text is informed by the forthcoming work: Schwartz, R. and Stoddart-Smith, C. "Infusing Indigenous Worldviews of Sustainability into Regional Trade Agreements" in Geraldo Vidigal and Kathleen Claussen (eds.) *The Sustainability Revolution in International Trade Agreements* (Oxford University Press) [publication date TBC].



# A NOTE ON THE TERMINOLOGY USED

We have used the term 'Indigenous Peoples' in this report to acknowledge the individual and collective rights of Indigenous Peoples as provided in the United Nations Declaration on the Rights of Indigenous Peoples.

We acknowledge the term "Indigenous" may be interpreted as generalising the unique and distinct cultures of the various First Peoples around the world.

However, for ease of understanding – mainly by government and multilateral organizations – we have elected to use this term. When we use the word "Indigenous", it is inclusive of Māori, Aboriginal, Torres Strait Islander, First Nation, Inuit, and Métis peoples.

In an international context, the term "Peoples" is used when referring to multiple distinctly different and sovereign nations with the right to self-determination, including the freedom to determine their political status and freely pursue economic, social, and cultural development. We have elected to capitalise this word in recognition of the sovereignty and nationhood of these groups.

1

We use these terms with the highest degree of humbleness, gratitude and recognition of the multitude of diverse, sophisticated, and unique First Peoples of this world.

We use these terms with the deepest of gratitude and admiration of each of our unique histories, cultures, connections to the land, languages, laws, and for the important work our ancestors did to get us to where we are today.



# ABSTRACT

Indigenous Peoples' rights, interests, duties, and responsibilities in international trade agreements require opportunities, effective protections and carveouts that are developed through meaningful engagement.

For the most part of the last 25 years, there have been limited advancement. However, international developments, such as the United Nations Declaration on the Rights of Indigenous Peoples as well as domestic policies and laws that support reconciliation with settler governments, such as Canada and New Zealand, has led to positive developments toward the inclusion of Indigenous Peoples in each country's trade arrangements.

This paper provides an overview of how Indigenous Peoples are influencing international trade policy, including an analysis of how the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA) incorporates Indigenous worldviews on sustainability.

The paper concludes with recommendations for embedding Indigenous Peoples' participation in trade and related policy matters, such as sustainability, to advance their cultural, economic, and environmental aspirations.





# 1. CONTEXT

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Indigenous Peoples have long criticised the lack of engagement concerning settler government approaches to negotiating free trade agreements as their voices are often not sought, respected, or heard during negotiations.

Even with greater interest from, for instance, APEC member economies to pursue inclusivity provisions and chapters in their trade and economic arrangements, many contributions made by Indigenous Peoples continue to be minimised, sanitised, or explicitly excluded from the final text in those agreements.

Over the past few years in particular, connected to some initial advancements in the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu on Economic Cooperation (ANZTEC),<sup>2</sup> the Comprehensive and Progressive Trans Pacific Partnership Agreement (CPTPP)<sup>3</sup> and the Canada United States Mexico Agreement (CUSMA)<sup>4</sup> and alongside a changing global narrative toward a sustainable and inclusive trade agenda, some likeminded economies have sought to strengthen their engagement with Indigenous Peoples in the Asia Pacific region on international trade, investment and economic cooperation matters.<sup>5</sup>

This policy shift is driven by the APEC Putrajaya Vision 2040 for “an open, dynamic, resilient and peaceful Asia-Pacific community by 2040” developed in 2020 amid the global pandemic during Malaysia’s APEC host year.<sup>6</sup>

Notwithstanding that many member economies remain resistant to the inclusion of Indigenous Peoples as having a distinct set of rights, it proposes to achieve inclusive and equitable trade for marginalized communities and to bring APEC members’ trade practices into alignment with wider policy objectives such as The Paris Agreement on Climate Change,<sup>7</sup> the United Nations Sustainable Development Goals,<sup>8</sup> and the United Nations Declaration on the Rights of Indigenous Peoples.<sup>9</sup>





An upshot is that this shifted focus in trade negotiations opens opportunities for Indigenous Peoples to contribute to negotiations and advocate for the recognition and protection of Indigenous rights, interests, duties and responsibilities in trade and related policy.

Although not all contributions make it into the final text, the input of Indigenous Peoples and their independent technical advisers has included the development of a range of effective exceptions and measures in existing or new agreements, promoting Indigenous-to-Indigenous trade agreements and cooperation activities, and creating space to embed Indigenous worldviews and influence the development of trade and investment policies generally.

**Overall, the goal is to ensure that the language adopted in trade agreements and policy is developed and implemented in a manner that is consistent with the social, cultural, spiritual, environmental, and economic values of the Indigenous Peoples impacted by those trade agreements.**





# 2. THE CHALLENGE

## of infusing Indigenous worldviews in a trade context

Indigenous scholars are making advances in acknowledging Indigenous Peoples' worldviews across disciplines such as economics, environment, education, health, and politics, but there are limited accounts of how these worldviews are contributing to the reshaping of contemporary trade narratives. During trade consultations, it is important for Indigenous Peoples to be included so that Indigenous worldviews can be reflected in the text of these agreements.<sup>10</sup>

**The centrality of relationships to nature is a dominant feature across Indigenous cultures and is heavily referenced by Indigenous Peoples during trade engagements.**

Wahinkpe Topa (Cherokee) and Darcia Narváez suggest that “there are only two worldviews – one considers nature as intelligent and living, and the other perceives nature otherwise.”<sup>11</sup>

Examples of nature-centred, Indigenous worldviews include the constitutional protection for the rights of nature enacted by Ecuador in 2008, followed by the Law of the Rights of Mother Earth in Bolivia in 2010, and later the legal personhood enacted through Te Urewera Act 2014<sup>12</sup> and Te Awa Tupua (Whanganui River Claims Settlement) Act 2017<sup>13</sup> in Aotearoa

New Zealand, an approach also adopted by India in respect of two of its major rivers.<sup>14</sup> These initiatives highlight the special and unique place of nature to Indigenous worldviews and the influence it can have on broader policy objectives.<sup>15</sup>

From a Māori creation context, Te Waka Kai Ora explain that “all life comes from a common point of origin [which] means that all life is necessarily interconnected; that all living things are part of a complex but singular system of whakapapa relationships ... where our wellbeing as humans is inextricably tied to the wellbeing of the system as a whole”.<sup>16</sup>

Similarly, Indigenous economist Carol Anne Hilton (Hesquiaht Nation) reinforces the role that “experiencing and being” plays in the formation of an Indigenous worldview and its relational, spiritual, and ecological foundations.<sup>17</sup>





Paola Velasco-Herrejón et al canvassed five different Indigenous worldviews from South America, South Africa, North America, and India.<sup>18</sup> They subsequently proposed that there were twelve shared characteristics of Indigenous Peoples' worldviews and their relational conceptions of sustainability and community.

Overall, the centrality of nature, its ecosystems and the interrelationships with the natural and supernatural world are tied to the values, responsibilities, and duties held by Indigenous Peoples to protect and preserve the traditions, cultures, and livelihoods that have sustained their communities for many generations, in some cases millennia. This inseparability of nature and spirituality is integral to the way Indigenous Peoples approach contemporary issues, such as trade, sustainability, and inclusivity in theory and in practice.

The collision of worldviews is keenly felt in trade policy dialogue, and often this is the result of a western data-informed approach. Decision makers rely on available data sets in policy development and in determining and promoting negotiating positions. However, the lack of disaggregated international trade data concerning Indigenous Peoples means that they are often invisible in and absent from policy decision-making dialogue and strategic settings. Moreover, when their interests and any limited data points are canvassed, negotiators fail to grasp the full reality of the histories, stories, experiences, and worldviews that can inform the analysis of data concerning and valued by Indigenous Peoples. Consequently, they do a sub-standard job of articulating an Indigenous position on trade and related matters.

**Evidently, Indigenous Peoples' worldviews differ from dominant western worldviews because they are inextricably rooted in the natural and supernatural worlds and are not formed through indoctrination where understanding and knowing is prescribed.**



To help address this gap, some like-minded economies have initiated research to collect data specific to Indigenous economies and businesses – particularly exporters. The aim of these initiatives is to help policymakers understand where to target regional trade and related policy to unlock opportunities for Indigenous businesses, address structural barriers and overcome persistent economic inequalities.<sup>19</sup>

A table of some global Indigenous data points is attached as **Annex A** for general information purposes, as well as website links to key reports that have started to track Indigenous business, economic and exporting data.

While the data challenges pose problems around context setting and visibility, so too does the exclusion of Indigenous Leaders in trade negotiations.

Articles 18 and 19 of the UN Declaration, set out Indigenous Peoples' right to participate in decision-making on matters which would affect their rights, in legislative and other administrative matters. This would include international trade and investment agreements. While some progress has been made for discussions adjacent to negotiations, the continued exclusion of Indigenous Peoples from the negotiation itself and from negotiating matters that affect their rights is contrary to the UN Declaration. Maintaining this exclusion impacts Indigenous Peoples' rights and responsibilities and limits the effectiveness of provisions and chapters concerning Trade and Indigenous Peoples as a mechanism for inclusive and equitable trade.





# 3. INDIGENOUS INCLUSIONS IN REGIONAL TRADE AGREEMENTS

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Notwithstanding the challenges, the nascent infusion of Indigenous concepts in various regional trade agreements are beginning to articulate what an Indigenous-informed shift to sustainability and inclusivity might look like. The first chapter recognising Indigenous Peoples in a trade agreement was negotiated as part of the Agreement between New Zealand, and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu on Economic Cooperation (ANZTEC) signed in 2013.<sup>20</sup>

In 2017, Canada also negotiated environmental provisions and preferences related to Indigenous Peoples in the Canada-EU Comprehensive Economic and Trade Agreement (CETA).<sup>21</sup>

At the time it was concluded (in 2018), the CPTPP became the largest regional trade agreement – accounting for around 13 percent of global GDP<sup>22</sup> – to include references to Indigenous rights in its preamble as well as provisions that recognised Indigenous rights related to traditional knowledge and genetic resources.<sup>23</sup>

Off the back of the American Declaration on the Rights of Indigenous Peoples (signed in 2016), and through the leadership of Canada, Indigenous leaders and their representatives were involved in the negotiation process for CUSMA. This inclusion resulted in an Indigenous General Exception clause<sup>24</sup> that surpassed the very limited application of the Treaty Exception clause that New Zealand had routinely negotiated into all its free trade agreements since 2001.

The CUSMA exception removes any references to “more favorable treatment” and ensures that nothing in the agreement will hinder each party’s ability to fulfill their legal obligations to Indigenous Peoples.<sup>25</sup> The CUSMA also included provisions throughout the agreement that recognise Indigenous Peoples’ rights – the most pivotal being the environment chapter.





More recently, Aotearoa New Zealand secured Māori Trade and Economic chapters in the New Zealand – United Kingdom Free Trade Agreement<sup>26</sup> and the New Zealand – European Union Free Trade Agreement.<sup>27</sup> Both of these agreements have also to varying degrees, infused Māori concepts throughout various chapters.<sup>28</sup>

But perhaps the biggest achievement to date is the Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA)<sup>29</sup> that was drafted in consultation with Indigenous Peoples and their mandated representatives as part of New Zealand's APEC host year in 2021.

As governments globally respond to issues resulting from climate change, regional conflicts, and the COVID-19 pandemic, the language of sustainability and inclusivity continues to supplant its predecessors' profit, growth, and efficiency in regional and multilateral policy forums. APEC is one such forum creating spaces for sustainability and inclusivity with greater openness to engagement with Indigenous Peoples, and the IPETCA is reflective of that shift.

## **INDIGENOUS PEOPLES ECONOMIC AND TRADE COOPERATION ARRANGEMENT (IPETCA)**

IPETCA officially concluded in December 2021 through its founding signatories, New Zealand, Canada, Australia and shortly thereafter Taiwan. Work is currently underway to implement the Partnership Council.

Although the parties to IPETCA enabled an engagement process for Indigenous Peoples, to dialogue directly with officials responsible for trade negotiations, as well as with each other, it was disappointing that there was no direct participation as the Indigenous representatives were excluded from the formal negotiation processes.





In doing so, the signatories a) missed an opportunity to be genuinely inclusive – especially since the arrangement is non-binding and b) operated in a manner inconsistent with Articles 18 and 19 of the UN Declaration since the text directly implicated Indigenous rights and responsibilities.

However, an accommodation was made by the signatories, in the spirit of meaningful participation, for Indigenous participants and their supporting advisors from each economy to set up informal Indigenous-to-Indigenous negotiating sessions, with procedural assistance from the signatories.<sup>30</sup> These informal sessions influenced many aspects of the IPETCA, including:

(a) a definition of Indigenous Trade and Investment - influenced by Māori worldviews but intended to reflect commonalities amongst Indigenous worldviews more broadly; and

(b) the establishment of an IPETCA Partnership Council to enable Indigenous Peoples to govern the implementation of the arrangement in partnership with the signatories as well as determine the priorities under the arrangement.

## HIGHLIGHTS OF THE IPECTA TEXT



Overall, broadly shared Indigenous values underpin the purpose and intent of the entire arrangement. For instance, the preamble reinforces existing commitments in international agreements through which Indigenous rights are recognised. Throughout the text, Indigenous values colour interpretations including an enhanced focus throughout the arrangement on sustainability and inclusivity.

Together these references provide a strong interpretative mechanism that will be important in the development of the terms of reference for the Partnership Council as well as the kinds of activities that can be coordinated or pursued under this arrangement.



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As noted above, the inclusion of a definition for Indigenous trade and Investment is a first for a trade arrangement and even more important is that it was drafted in collaboration with Indigenous Peoples and their designated technical experts. It is a broad definition that highlights the multipurpose values driven approach that acknowledges concepts of relational trading, the importance of long-term approaches, customary / traditional laws, and values, intergenerational, cultural, and spiritual responsibilities alongside rights to develop their own economic systems as affirmed in the UN Declaration. The definition broadly seeks to describe how Indigenous Peoples have and continue to engage in trade and related activity while also ensuring that the application of this definition is within the IPETCA context alone, in recognition of the limited number of Indigenous cultures present in those developmental discussions.

The Institutional arrangements were also a key innovation with the guarantee of Indigenous representatives sitting alongside officials in the implementation of the arrangement and determining the cooperation priorities for IPETCA.

**The challenge will be ensuring that Indigenous Peoples are supported and enabled to participate (e.g., adequate financial resourcing), that appointment processes are fair and transparent, and that those tasked with representing Indigenous voices take a global rather than local approach so as not to privilege specific economies thereby reinforcing power imbalances.**

An innovation that the Partnership Council could consider for IPETCA is introducing a provision to enable Indigenous Organizations to join the arrangement as participating observers, even when their national government is not a signatory. For instance, both the National Congress of American Indians (NCAI) and the National Center for American Indian Enterprise Development (NCAIED) have expressed interest in participating in IPETCA but are currently unable to as the U.S is not a signatory.



# 4. FROM REGIONAL FORUMS TO THE WORLD TRADE ORGANIZATION

A growing acknowledgement of Indigenous rights related to trade and environment made over the past decade encouraged the New Zealand government and separately the World Economic Forum with tribal co-sponsors from the United States - the National Congress of American Indians and the National Center for American Indian Enterprise - to host Indigenous-focused panels at the World Trade Organization (WTO) Public Forum 2022.

The aim was to bring visibility to Indigenous Peoples' perspectives in trade forums where those perspectives have largely been ignored or suppressed and to provide a platform for ongoing dialogue.<sup>31</sup> Māori representatives stressed during this forum that the WTO cannot claim to be pursuing a sustainable and inclusive trade agenda if Indigenous Peoples rights and interests are not included in that agenda.<sup>32</sup>

**Māori representatives stressed during this forum that the WTO cannot claim to be pursuing a sustainable and inclusive trade agenda if Indigenous Peoples' rights and interests are not included in that agenda.<sup>32</sup>**

The inclusion of Indigenous Peoples at the forum did spark interest and has enabled New Zealand to leverage that interest by, for example, tabling a proposal for an Indigenous Peoples general exception to support data sovereignty for the WTO initiative on e-commerce thereby providing more visibility to the work undertaken by Indigenous Peoples in trade.

Notably, in November 2022, Ngozi Okonjo-Iweala, Director General of the WTO briefly visited New Zealand where she met with a small group of

Indigenous women. As a result, Tania Te Whenua (Tūhoe, Whakatōhea), Lawyer and Te Taumata member, was appointed to the newly established Director General's Civil Society Advisory Group, to provide expertise on societal needs and challenges to help the Director General of the WTO to address some of the world's most pressing crises. An Indigenous woman's voice on this new advisory committee may be sending a signal of the important role that the Director General sees for Indigenous Peoples in the future of trade.



Some of the ways that the WTO could further support Indigenous Peoples' objectives in alignment with its inclusive and sustainable trade agenda include:

## **4.1. DEVELOPING A JOINT DECLARATION ON TRADE AND INDIGENOUS PEOPLES**<sup>33</sup>

A joint declaration could be modelled on the WTO's Joint Declaration on Trade and Women's Economic Empowerment to further inclusivity and equity at the WTO, to grow dialogue with Indigenous Peoples, and launch new research programmes on trade policies that aim to eliminate barriers for Indigenous participation in trade, providing export opportunities for Indigenous businesses.

Schwartz and Whiteduck (Algonquin) offer ideas on dialogue that could be established via the Joint Declaration, which include increased procurement opportunities for Indigenous Peoples, developing draft language for an exception in the WTO Agreements to protect the rights of Indigenous Peoples as well as the creation of an Indigenous Peoples contact point at the WTO to monitor and evaluate opportunities and benefits created through the joint declaration.

Efforts to this end are already in progress. For instance, as noted above in the Joint Statement Initiative on E-Commerce tabled for consideration at the WTO, New Zealand recently proposed an Indigenous Peoples exception that was drafted in consultation with Māori. The exception takes the USMCA text a step further by removing the chapeau. New Zealand also proposed a carve-out for preserving space for legitimate public policy (LPP) objectives which includes the protection or promotion of the rights, interests, duties, and responsibilities of Indigenous Peoples.<sup>34</sup> If the exception and LPP measures are accepted by WTO members, it will be a positive step for elevating Indigenous Peoples' rights and interests within WTO dialogue.

## **4.2 ESTABLISHING AN INFORMAL WORKING GROUP AT THE WTO**

A complementary idea to the Joint Declaration was also promoted by Māori at the WTO Public Forum where they called on WTO members to establish a representative Indigenous Trade Taskforce or working group. The idea was to ensure that this was an Indigenous-led and member-enabled grouping that comprised a plurality of Indigenous representatives to undertake a range of tasks of relevance and interest to Indigenous Peoples that could be



promulgated by participating WTO members through WTO processes and programmes. However, WTO procedures do not allow for an Indigenous-led taskforce, as only WTO members may establish these initiatives.

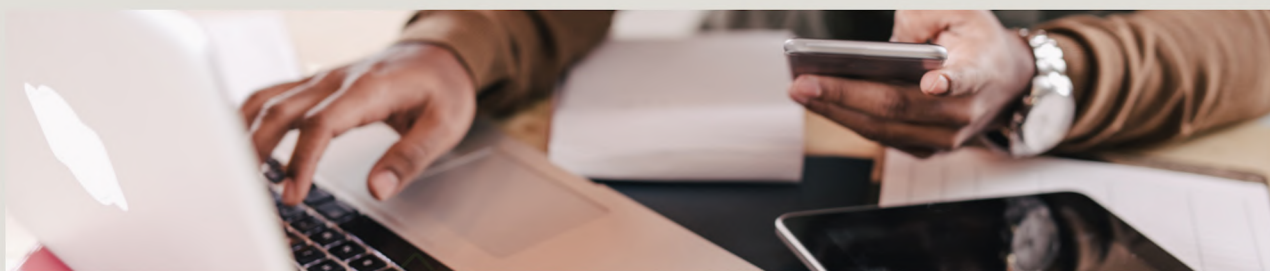
With the above in mind, there is an opportunity for the Ambassadors of Canada and New Zealand, and other likeminded WTO members, to work with Indigenous Peoples from their respective countries in a manner similar to the IPETCA partnership council and form a plurilateral working group. This could be an effective means of providing access for Indigenous Peoples to the WTO to incorporate Indigenous trade policy.

## **4.3 UTILISING THE TRADE POLICY REVIEW PROCESS**

The Trade Policy Review (TPR) process enables WTO members to periodically examine and evaluate each other's trade and related policies and their impact on the multilateral trading system. As the TPR allows WTO members to question and examine domestic policy of other states, it would be a highly effective mechanism to effect change and assess trade and related policy adherence to the interlinkages between Indigenous Peoples, sustainability, and inclusivity.

As part of the modernization of the TPR, the WTO Secretariat through its members could work with an Indigenous taskforce / Informal Working Group to prepare template questions regarding Indigenous Peoples and members efforts to implement economic requirements of the UN Declaration, as well as questions relating to how member states are meeting the SDGs given most WTO members have also endorsed the 2030 Agenda for Sustainable Development.

The TPR mechanism could also examine WTO member policies on technical support and question whether WTO members are engaging Indigenous Peoples in accordance with Free, Prior Informed Consent (FPIC) which would also support the dual pillars of sustainability and inclusion.





# 5. THE FUTURE OF INDIGENOUS TRADE

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IPETCA is the first international trade arrangement infused with an Indigenous worldview, but its membership is smaller than originally anticipated, and therefore limited in the plurality of Indigenous worldviews it represents.

An examination of Indigenous worldviews would also benefit other multilateral agreements of significant interest to Indigenous Peoples such as the ambitious work being undertaken to conserve biodiversity under the Kunming-Montreal Global Biodiversity Framework adopted at the UN Convention on Biological Diversity meeting in December 2022.

Although Trade and Indigenous Peoples Chapters are an important step to supporting inclusive and equitable trade, these chapters must also be

supported by other enforceable chapters such as Intellectual Property, Digital, Procurement, Labour, MSMEs and Environment. Trade Agreements must also include effective carveouts that protect the rights of Indigenous Peoples and preserve policy space for parties to pursue legitimate public policy objectives that in may also include rights, interests, duties, and responsibilities of Indigenous Peoples.

In addition, when updating existing or entering new agreements governments must commit to working with Indigenous Peoples to ensure that effective provisions such as those found in IPETCA, the JSI E-Commerce paper and other relevant agreements are drafted in a manner consistent with the UN Declaration and that they appropriately reflect the worldviews of the Indigenous Peoples affected by the agreement.

**Going forward, it will be essential to identify commonalities amongst Indigenous Peoples' worldviews, and encapsulate the plurality of those worldviews within the growing number of open plurilateral and multipurpose trade and economic agreements.**



# 6. RECOMMENDATIONS

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It is imperative that government, international Organizations, and industry (where appropriate), engage in meaningful dialogue with Indigenous Peoples. In support of this, we recommend:

- a. Building on the ideas advanced in this paper by connecting Indigenous Peoples with their diplomatic representatives at the WTO to explore options and possibilities for change within, and to understand the mechanics of, the WTO (Canada and New Zealand); and,
- b. Creatively and strategically pushing political boundaries in support of the recognition of Indigenous Peoples' rights, interests, duties and responsibilities in trade and related policy areas (Canada and New Zealand); and,
- c. Precedent Trade and Indigenous Peoples Chapters should be updated to reflect IPETCA and Indigenous Worldviews (Canada and New Zealand); and,
- d. IPETCA signatories should be actively encouraging trade partners, especially those in Latin and South American with significant Indigenous populations, to join IPETCA (Australia, Canada, New Zealand, and Taiwan); and,
- e. IPETCA signatories should commit to resource Indigenous Peoples, both domestically and globally to build mandates for inclusion in regional and multilateral trade forums as equal partners in future rule making (Australia, Canada, New Zealand and Taiwan); and,
- f. Likeminded WTO members commit to co-sponsoring the text tabled by New Zealand in the Joint Statement Initiative E-Commerce (Australia, Canada, and the United States); and,
- g. Leveraging the focus on Sustainability for the WTO Public forum 2023, by resourcing Indigenous Peoples to participate in that forum, and present the recommendations of this paper at a public forum panel (Canada and New Zealand).



# ANNEX A: GLOBAL INDIGENOUS DATA

Data Category	Statistics (drawn primarily from the ILO and World Bank)
Population	<ul style="list-style-type: none"><li>• 6.2% of the global population or more than 476 million people globally</li></ul>
Geographical Distribution	<ul style="list-style-type: none"><li>• <b>Asia and the Pacific</b> - 70.5% (72.8% of Indigenous People in Asia and the Pacific live in rural areas)</li><li>• <b>Africa</b> - 16.3% (82.1% of Indigenous People in Africa live in rural areas rural areas)</li><li>• <b>Latin America and the Caribbean</b> - 11.5% (47.8% of Indigenous People in Latin America and the Caribbean live in rural areas and 55.2% in urban centres)</li><li>• <b>North America</b> - 1.6%</li><li>• <b>Europe and Central Asia</b> - 0.1%</li></ul>
Environment	<ul style="list-style-type: none"><li>• <b>Manage</b> around 22% of the Earth's land surface and 40% of all terrestrial protected areas and ecologically intact landscapes.</li><li>• <b>Safeguard</b> 80% of the world's remaining biodiversity</li></ul>
Culture	<ul style="list-style-type: none"><li>• <b>Represent</b> as many as 5,000 distinct cultures</li><li>• <b>Speak</b> more than 4,000 of the world's 6,700 languages</li></ul>



## Data Category

## Statistics (drawn primarily from the ILO and World Bank)

### Employment

Of the world's employed Indigenous population:

- **55% work in agriculture**, including in traditional livelihood activities
- 45% are currently outside the agricultural sector:
  - **17.3% market services sector** (including trade, transportation, accommodation and food, and business and administrative services)
  - **9.8% non-market sector** (public administration, community, social and other services, and activities)
  - **9% construction**
  - **7.9% manufacturing**
  - **1.1% mining / quarrying, electricity, gas, and water supply**

### Education

- 46.6% of Indigenous adults in employment have **no formal education** compared to 17.2% of their non-indigenous counterparts
- Only 7.8% of Indigenous persons globally have completed a **university degree**

### Gender

- 53.6% of Indigenous women in employment globally have **no formal education**. In Africa, this number rises to 89.9%, compared to 62.2% of their non-indigenous counterparts
- The gap in participation in **employment** between Indigenous and non-indigenous women is 13.2 and 1.6%, respectively
- Indigenous women face compounded inequalities. They are **only half as likely** to be in wage work but twice as likely to be contributing family workers compared to non-indigenous women



## Data Category

## Statistics (drawn primarily from the ILO and World Bank)

### Income

- Indigenous peoples represent 19% of the world's poorest communities
- Across regions and income groups, Indigenous persons earn 18.5% less than non-Indigenous persons
- The indigenous wage gap is highest in Latin America and the Caribbean (31.2%)
- Indigenous women experience a pay gap of 8.2% compared to their non-indigenous counterparts
- The wage gap is even wider between Indigenous men and non-Indigenous men, amounting to 24.4%

### Life Expectancy

- Indigenous Peoples' life expectancy is **up to 20 years lower** than the life expectancy of non-Indigenous people worldwide

This data can help us to understand where to target trade and related policy to unlock opportunities to address issues such as structural barriers and persistent inequalities related to a range of wellbeing indicators such as education, employment, and income.

It can also help Indigenous Peoples understand where models of best practice can be shared or adapted or when governments are negotiating regional trade agreements, areas that Indigenous peoples affected could build joint mandates within their communities to advance issues of significance to them within these discussions.

For the full detail of the data collated in this table see:

ILO, [https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_792208.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_792208.pdf)

World Bank <https://www.worldbank.org/en/topic/indigenouspeoples>.

United Nations Department of Economic and Social Affairs, "Challenges and Opportunities for Indigenous Peoples' Sustainability" Policy Brief, No. 101 (April 2021):

[https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2021/04/PB\\_101.pdf](https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2021/04/PB_101.pdf)

United Nations Permanent Forum on Indigenous Issues, "Indigenous Languages" Backgrounder (UN Department of Public Information):

<https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/04/Indigenous-Languages.pdf>



# FOOTNOTES

[1] For further background, please see Claire Charters and Rodolfo Stavenhagen (eds), *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*. Copenhagen, Denmark, IWGIA Distributors, 2009.

[https://www.iwgia.org/images/publications/making\\_the\\_declaration\\_work.pdf](https://www.iwgia.org/images/publications/making_the_declaration_work.pdf)

[2] The ANZTEC agreement entered into force on 10 July 2013. Full text:

<https://www.nzcio.com/assets/NZCIO-documents/ANZTEC-Final-Text-10-July-2013-NZ.pdf>

[3] Comprehensive and Progressive Trans Pacific Partnership Agreement, concluded in 2018, and in force for 11 member economies. In the case of New Zealand, the turning point for stronger Māori involvement in free trade negotiations, arose out of the urgent claim brought before the Waitangi Tribunal during the TPPA (now CPTPP) negotiations. Notably, the TPPA also caused a breakdown of bipartisan consensus in the New Zealand Parliament for the first time in its history, which at the time threw a major curveball to officials in the middle of the negotiations (see: B. Fallow (2017), <https://www.interest.co.nz/opinion/89867/brian-fallow-looks-breakdown-bipartisan-consensus-trade-policy-and-what-means-or>).

[4] Canada, United States, and Mexico Agreement entered into force on 1 July 2020. In the case of Canada, the CUSMA negotiations led to the inclusion of an Indigenous Peoples exception that applied to the whole agreement and that First Nations representatives in Canada viewed the CUSMA as the most inclusive trade agreement of the time (See: R. Schwartz & J. Whiteduck (2020) <https://www.cigionline.org/articles/proposal-joint-declaration-trade-and-indigenous-peoples>)

[5] By Asia Pacific, we are broadly referring to Asia Pacific Economic Cooperation (APEC) economies, but this is not just limited to those members. It also includes economies of the Americas, the South Pacific, and ASEAN.

[6] APEC Putrajaya Vision 2040 [https://www.apec.org/meeting-papers/leaders-declarations/2020/2020\\_aelm/annex-a](https://www.apec.org/meeting-papers/leaders-declarations/2020/2020_aelm/annex-a)

[7] The Paris Agreement full text:

[https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf)

[8] UN Sustainable Development Goals online at: <https://sdgs.un.org/goals>

[9] 'United Nations Declaration on the Rights of Indigenous Peoples' (13 Sep, 2007) A/RES/61/295 (hereafter UN Declaration) online at:

[https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP\\_E\\_web.pdf](https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP_E_web.pdf)

[10] Indigenous Peoples are at different stages of developing relationships of equal partnerships with their governments. In New Zealand, there are four primary entities who independently engage on trade and related policy during trade and related policy negotiations: [Ngā Toki Whakarururanga](#), [National Iwi Chairs Forum](#), [Federation of Māori Authorities](#) and [Te Taumata](#). These groups have had variable successes in advancing the inclusion of Māori worldviews in New Zealand's negotiation.

[11] Wahinkpe Topa (Four Arrows) and Darcia Narváez. (2022). "Restoring the Kinship Worldview: Indigenous voices introduce 28 precepts for rebalancing life on planet earth" (North Atlantic Books).



[12] See: section 11, the ancestral lands of the Tuhoe people that was declared in law as holding all the rights, powers, duties, and liabilities of a legal person.

[13] See: section 12 provides recognition as an indivisible and living whole comprising Whanganui River from mountains to sea including all its physical and metaphysical elements.

[14] “A court in the northern Indian state of Uttarakhand ordered on Monday that the Ganges and its main tributary, the Yamuna, be accorded the status of living human entities” Michael Safi. (2017). Ganges and Yamuna rivers granted same legal rights as human beings.” The Guardian. <https://www.theguardian.com/world/2017/mar/21/ganges-and-yamuna-rivers-granted-same-legal-rights-as-human-beings>

[15] Lane Neave. (2018). “Legal personhood for nature has legal ramifications” <https://www.laneneave.co.nz/news-events/legal-personhood-for-nature-has-legal-ramifications/>

[16] Report of the Evidence presented by Te Waka Kai Ora to The Waitangi Tribunal’s Inquiry into the WAI262 claim [https://www.tewakakaiora.co.nz/site\\_files/24901/upload\\_files/Wai262Report\\_DIGITAL\\_SMALL\(1\)\(1\).pdf?dl=1](https://www.tewakakaiora.co.nz/site_files/24901/upload_files/Wai262Report_DIGITAL_SMALL(1)(1).pdf?dl=1)

[17] Carol Anne Hilton (2021). Indigenomics: Taking a Seat at the Economic Table. (New Society Publishers).

[18] Paola Velasco-Herrejón, Thomas Bauwens, Martin Calisto Friant. (2022). “Challenging dominant sustainability worldviews on the energy transition: Lessons from Indigenous communities in Mexico and a plea for pluriversal technologies”, World Development, Volume 150, 105725, ISSN 0305-750X, <https://doi.org/10.1016/j.worlddev.2021.105725>

[19] See: <https://www.apec.org/publications/2022/01/unlocking-indigenous-peoples-economic-potential-in-the-asia-pacific-region-for-a-more-inclusive-recovery>

[20] ANZTEC Full text: <https://www.nzcio.com/assets/NZCIO-documents/ANZTEC-Final-Text-10-July-2013-NZ.pdf> see Chapter 19 for Indigenous Cooperation

[21] See: [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/canada/eu-canada-agreement\\_en](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/canada/eu-canada-agreement_en)

[22] On signing in November 2020, the Regional Comprehensive Economic Partnership (RCEP) eclipsed the CPTPP in term of the global GDP represented by the parties to that agreement (RCEP parties account for 32% of global GDP).

[23] Noting that in Aotearoa New Zealand, the TPPA / CPTPP was subject to a Waitangi Tribunal claim. The Tribunal recently confirmed that the e-commerce provisions in the CPTPP breached Te Tiriti o Waitangi. <https://waitangitribunal.govt.nz/news/tribunal-releases-report-on-electronic-commerce-chapter-in-cptpp/>

[24] Unfortunately, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) was concluded prior to CUSMA and only included a General Exception for the Treaty of Waitangi applicable to Māori. With the impending accession of the United Kingdom to the CPTPP, the lack of an Indigenous Peoples General Exception may threaten Indigenous Rights in member counties like Canada, due to the Investment State Dispute Settlement provisions in the Investment Chapter of the CPTPP.



[25] CUSMA full text: <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>

[26] See: <https://www.mfat.govt.nz/en/trade/free-trade-agreements/free-trade-agreements-concluded-but-not-in-force/new-zealand-united-kingdom-free-trade-agreement/resources/#bookmark0>

[27] NZ EU FTA Consolidated Text: <https://www.mfat.govt.nz/assets/Trade-agreements/EU-NZ-FTA/Text/Consolidated-Text-of-all-Chapters-including-the-Preamble.pdf>

[28] Note that different Māori interests have held varying views on the effectiveness of these agreements. For instance, Nga Toki Whakarururanga have published a Tiriti o Waitangi Assessment on the NZ-UK FTA and will soon release a similar assessment for the NZ EU FTA. See: <https://www.ngatoki.nz/treaty-assessments>

[29] IPETCA full text: <https://www.mfat.govt.nz/assets/Trade-General/Trade-policy/Indigenous-Peoples-Economic-and-Trade-Cooperation-Arrangement-IPETCA-FINAL-VERSION.pdf>

[30] In the case of New Zealand, Te Rangitukupu was established and minimally resourced to bring the range of Māori trade advocacy entities together so that there was a direct and collective view that its negotiators were able to work with.

[31] Refer: WTO Public Forum 2022, Session 85: An Indigenous Perspective on a Sustainable Trade Agenda [https://www.wto.org/english/res\\_e/webcas\\_e/webcas\\_video\\_e.htm?webcast\\_id=345&subject\\_code=PF22](https://www.wto.org/english/res_e/webcas_e/webcas_video_e.htm?webcast_id=345&subject_code=PF22)

[32] Māori representatives at the WTO Public Forum 2022: Carrie Stoddart-Smith (Ngāpuhi, Ngāti Whātua) and Hone McGregor (Te Ātiawa, Te Atihaunui-a-Pāpārangī, Ngāti Kahungunu/Ngāti Kere, Ngāti Raukawa ki te Tonga, Rārua, Rangitāne, Ngāti Kuia)

[33] Schwartz, R. and Whiteduck, J., "A Proposal for a Joint Declaration on Trade and Indigenous Peoples" Centre for International Governance Innovation, April 27, 2020 <https://www.cigionline.org/articles/proposal-joint-declaration-trade-and-indigenous-peoples/>

[34] JSI E-Commerce NZ tabled: <https://www.mfat.govt.nz/assets/Trade-agreements/WTO-e-commerce-negotiations/Joint-Statement-Initiative-on-E-commerce-discussion-paper-on-Digital-Inclusion.pdf>

[35] See: He aronga takirua: Cultural double-shift of Māori scientist - <https://journals.sagepub.com/doi/full/10.1177/00187267211003955>



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