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Foreign Affairs, Defence and Trade Committee,
Wellington.

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Submission: International Treaty Examination of the Agreement on Climate Change, Trade and Sustainability

Thank you for the opportunity to make a submission for the International Treaty Examination of the Agreement on Climate Change, Trade and Sustainability (ACCTS)¹. The ACCTS is of serious concern to Peace Movement Aotearoa² as outlined briefly below.

Climate change and sustainability

So far as we are able to ascertain from reading both the ACCTS and National Interest Analysis³, this Agreement is essentially a business as usual free trade agreement that will not make any substantive contribution to increasing real action on climate change or on sustainability in the sense of the standard United Nations' definition of "*meeting the needs of the present without compromising the ability of future generations to meet their own needs*".

The tenor of Trade and Agriculture Minister Todd McClay's media release on ACCTS is focused instead on business "sustainability" in the interests of economic growth, for example:

[it] "*opens up significant economic opportunities for New Zealand businesses by eliminating tariffs on key sustainable goods and services*"... "*This agreement removes tariffs on key exports including 45 wood and wool products - two sectors that are vital to achieving our goal of doubling New Zealand's exports by value in ten years.*" ... "*ACCTS is about opening new markets, growing domestic jobs, and adding value across the economy. As more countries join, the economic benefits will only grow.*"... "*Growing New Zealand's trade relationships is part of our plan to grow the economy, lift incomes for Kiwis, and create jobs ...*"⁴

The only provisions of the ACCTS that seemed to have the potential to bring about substantive change are those around "*addressing harmful subsidisation of fossil fuels and the market distortions subsidisation can create, which will help reduce global emissions*"⁵. However, those provisions appear to be so weak as to be essentially meaningless as outlined in the National Interest Analysis, and in any event: "*New Zealand will not be required to reduce or eliminate our small number of existing fossil fuel subsidies by joining the ACCTS*"⁶.

Te Tiriti o Waitangi and human rights obligations

We share the concerns about the ACCTS outlined by Ngā Toki Whakarururanga in their feedback included in the National Interest Analysis⁷ and elsewhere.

While we note that the words “Te Tiriti o Waitangi” have now been included in the text, as with our comments above on climate change and sustainability, simply including words is not the same as substantive action. The ACCTS does not, and cannot, provide effective and active protection for Māori rights, interests, duties and responsibilities or the Crown’s obligations under Te Tiriti o Waitangi, which is particularly crucial at the present time in view of the current government’s apparent attempts to remove itself from those obligations.

Furthermore, the ACCTS Article 1.11 ‘Tiriti o Waitangi / Treaty of Waitangi’ refers only to “*more favourable treatment to Māori*” which is clearly not consistent with the guarantee of the continuance of tino rangatiratanga in te Tiriti (or even with the English Treaty version generally used by the Crown “*the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties*”).

In relation to this, we note Ngā Toki Whakarururanga’s concern that the United Nations Declaration on the Rights of Indigenous Peoples is not mentioned in the ACCTS, a concern that we share in the context of a wider concern: there is no reference to any human rights instrument at all.

While this is particularly concerning in relation to the collective rights of Māori as further guaranteed in the shared Article 1 of the two international human rights Covenants⁸ (New Zealand is a state party to both), the impacts of climate change and unsustainable economic activities which harm the environment, biodiversity, and human health and wellbeing will negatively affect the human rights of all New Zealanders.

Recommendation

We do not support the ACCTS being approved in its current form because it does not meaningfully contribute to increasing real action on climate change or sustainability, and does not adequately protect the collective rights and interests of Māori or the human rights of all New Zealanders. We therefore recommend it does not proceed unless significantly improved.

References

¹ Agreement on Climate Change, Trade and Sustainability (A.15A), <https://bills.parliament.nz/download/Paper/8588de49-eb95-463a-5152-08dd13f5b99d>

² Peace Movement Aotearoa is the national networking peace organisation, established in 1981 and registered as an Incorporated Society in 1982. Our purpose is networking and providing information and resources on peace, humanitarian disarmament, justice and human rights issues. We have extensive national networks which include more than one hundred and fifty contacts for national or local peace, disarmament, human rights, justice, faith-based and community organisations, and more than seven thousand individuals. We regularly provide information to UN human rights treaty monitoring bodies, and to Special Procedures and mechanisms of the Human Rights Council, on a range of issues impacting Aotearoa New Zealand.

³ National Interest Analysis: Agreement on Climate Change, Trade and Sustainability (A.15A), MFAT, 2024, <https://bills.parliament.nz/download/Paper/89ee6a09-21f4-4669-5ea0-08dd0e87b9ca>

⁴ ‘NZ signs trade deal with Costa Rica, Iceland and Switzerland’, Todd McClay, 16 November 2024

⁵ National Interest Analysis, p 12

⁶ As at note above, pp 12 and 13

⁷ As at note above, Annex 1

⁸ International Covenant Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” (Article 1. 1.).