

### Indigenous Nations and Free Trade

This paper will view the aspects, outcomes and future of free trade, globally, in the perspective of the United States, and alternatively, in the realm of indigenous Pacific Rim nations. Through this paper, a historical and current status of international trade diplomacy, in both aspects, will be investigated.

The United States has been a major supporter of The Asia-Pacific Economic Cooperation, which began in Australia in 1989 when Foreign and Trade Ministers from twelve nations, anxious to establish economic relations on the fast-growing Asia-Pacific market, came together to discuss economic advantages and opportunities such as trade liberalization, sustainable growth and equitable development. Nations present were Brunei Darussalam; Indonesia; Japan; the Republic of Korea; Malaysia; New Zealand; the Republic of the Philippines; Singapore; Thailand; Canada; the United States; and host, Australia. Since then, the People's Republic of China; Hong Kong; China; Chinese Taipei (Taiwan); Mexico; Papua New Guinea; Chile; Peru; Russia; and Vietnam have been accepted as members for a total of 21 nations.

Since its conception, 17 years ago, APEC has chartered trade courses that include goals such as “free and open trade and investment in the Asia-Pacific by

2010 for developed economies and 2020 for developing economies.” Over the years, through a series of agendas, actions, and plans, APEC has been organizing to implement bilateral and regional trade agreements, much inline with the World Trade Organization. (APEC, 2005)

The World Trade Organization (WTO) was established in 1995. The WTO is the successor to the General Agreement on Tariff and Trade (GATT) established at the onset of World War II. GATT established a strong and prosperous trading system that spawned unprecedented growth in world exports. Between the efforts of GATT to WTO, world trade in 2000 was measured at a level 22-times the level of 1950. Like APEC, the GATT/WTO system developed through a series of trade negotiations, or rounds. The first rounds dealt mainly with tariff reductions but later negotiations included other areas such as anti-dumping and non-tariff measures. The last round – the 1986-94 Uruguay Round – led to the WTO’s creation. Negotiation subjects include telecommunication services, tariff-free trade in information technology products, financial service deals that cover more than 95% of trade in banking, insurance, securities and financial information. In 2000, talks on agricultural and services appeared on the agenda. Today, challenges to the present WTO agreements include work on non-agricultural tariffs, trade and environment, WTO rules such as anti-dumping and subsidies, investment, competition policy, trade facilitation, transparency in government procurement, intellectual property, and a range of issues raised by developing countries as difficulties they face in

implementing the present WTO agreements. The international trade circles revolve around the WTO and APEC – and these organizations are extensions of each other. The pegs in the revolver are geared by the New World Order (Old World Lie) transnational corporations benefiting from billions of dollars of liberal trade policies.

Maori Aziz Choudry, a self-proclaimed GATT Watchdog, views the establishment of today's neoliberal trade policies as those of colonialism and it's process to strip indigenous lands, lives, resources and futures.

“Throughout, and beyond the Asia-Pacific region, many others have pointed out the parallels between the experiences of their peoples under colonial rule and those faced in the 1990s as a result of an insane, profit-driven top-down model of development imposed in the interest of a tiny minority of the world's population. And I do not think that it is coincidental that the USA, Australia, New Zealand and Canada, the countries which are leading the charge within APEC for further, faster, more comprehensive liberalization are ones which continue to deny indigenous peoples in those territories rights to decolonisation and self-determination, at the same time as disguising this fact with mythical notions that colonizer governments in these countries are inherently humanitarian, democratic and forward thinking.” (Choudry, 1996)

As Cree lawyer Sharon Venne says, world trade agreements are “the same colonization game – just with a new name.” Maori educationalist Graham Smith

points out that “Historically the same processes of commodification were used by Pakeha to access Maori land. This was achieved through the individualization of Maori land titles i.e. to commodify or ‘package up’ what were collective or group held titles into individual holdings in order to facilitate their sale to Pakeha under Pakeha rules and customs.” (Choudry, 1996)

Choudry feels that the New Zealand government goes out of their way to attract foreign investors, opening access to lands and resources. He points out that the speed at which the government has deregulated the economy has outstripped the pace demanded by GATT and APEC. Between 1988 and 1993, New Zealand led the world in the sale of state-owned assets, often at bargain prices, to overseas investors, most of which are well-known transnationals. The Economist magazine describes New Zealand trade reforms as “revolutionary”, or indeed, “Chile without the gun”. The Crown has been selling off lands, resources and futures to transnational corporations for whom New Zealand has become an unrestricted investment playground.

During a June 2004 National Congress of American Indians conference, the Umatilla Indian Nation presented a proposal, that had been adopted by the Cultural Concerns and Governance committees, which would create a United League of Indigenous Nations to re-establish ancient trade agreements, in addition to co-managing homeland environmental protections and the preservation of cultural

property in the wake of the WTO. The continuation of the denigration of native lands will lead to ultimate economic and cultural losses for the future generations. Do we choose to leave a legacy of continued dispossession or do oppressed nations unite and promise a coalition of natives striving for strengthening indigenous law? A Treaty of Indigenous Nations of the Western Hemisphere was drafted to accomplish just that. The preamble sums up the goals of participating nations by stating:

“We the Indian nations, tribes, First Nations, indigenous nations, and indigenous peoples of North America and the Pacific Rim that are signatory to this treaty, in mutual recognition of our inherent sovereign powers, hereby re-establish political, social and economic relations, and cooperative control of all natural resources considered essential to the cultural, spiritual and religious rights of our peoples.” (Cloud, 2005)

Native Maori scholar Graham Smith and other traditional leaders realized that something needed to be done to protect indigenous property. Smith was instrumental in bringing the vision to NCAI, suggesting the enactment of an Indigenous Nations Treaty. The first meeting between U.S. and Maori Tribes commenced in 2002. The representative tribes shared economic globalization concerns. The idea of coming together as a federation of collective voices – whom share a common history, was planted. The need for a proactive political strategy to create political indigenous alliances was confirmed. NCAI immediately recognized

the importance of such an agreement and from the proposal presented at NCAI's June 2004 conference a resolution to establish a Special Committee of tribal delegates to meet with indigenous nations of the Pacific Rim was ratified. In October 2004 the committee presented a report titled Establishing A United League of Indigenous Nations. The committee recognized the importance of a prior attempt at trade relations - the Treaty of Indigenous Peoples International of 1997 (TIPI). Out of respect for the integrity of TIPI, the committee decided not to propose amendments to TIPI, but rather to initiate a separate treaty. The TIPI is a treaty signed by forty-four US Tribes, First nations of BC, Native Hawaiians, Australian Aborigines and Maori. (Special Committee of NCAI Tribal Delegates, 2004)

Results of the October 2004 conference included invitations for the NCAI Special Committee to meet with Australian Aborigine and Maori tribes affiliated with the Aranuiaragni region for further discussion. The Maori meeting was held on December 5, 2005 in Whakatane, New Zealand.

Professor Alan Parker, J.D., co-chair of the NCAI special committee delivered NCAI's presidential message from Joseph Garcia that US tribal nations are committed to support each other in the realms of commerce and trade. Significant precedents of multi-tribal ventures have been established in recent years in the US and these examples deserve study as proto-types for international indigenous nation-to-nation trade. (National Congress of American Indians, 2005)

The National Congress of American Indians (NCAI) was founded after the end of World War II, in 1944 and is the oldest and largest tribal government organization in the United States. The organization began when concerns were raised in regards to the implementation of the Termination policy. NCAI successfully lead the fight to end the destructive policy and has been actively participating, in a formal political forum in Indian issues, ever since. The NCAI serves as a forum for consensus-based policy development among its membership of over 250 tribal governments. NCAI's mission is to inform the public and the federal government on tribal self-government, treaty rights, and a broad range of federal policy issues affecting tribal governments.

The Maori established a similar body of governance referred to as the National Maori Congress. Created in July of 1990, its visions included establishing the Maori philosophy and highlighting shared tribal aspirations; securing Maori mana and the right of all tribes to decide their own destiny by bonding tribes with the pursuit of common goals; and lastly to advance the partnership the Treaty of Watangi. By 1997, the National Maori Congress took a voluntary background role as tribes asserted a preference to negotiate directly with the Crown. However, with talks of a treaty sponsored by NCAI and First Nations, and similar organizations in other Pacific Rim countries, conversations have been lead amongst the Maori to resurrect the National Maori Congress.

A Preamble, Principles, Common Objectives and Mutual Covenants develop the content of the Treaty. By understanding these common objectives when compared to the western-style of economic globalization, one will be able to see the stark contrast in these two styles of trade relations amongst nations. The common objectives are a) to strengthen the cooperative and supportive bond between each Nation in order to promote the rights of our peoples for the well being of all our future generations, b) to ensure a foundation for contemporary, inherent sovereignty for today and for future generations, to preserve our native languages, to practice and preserve guaranteed Treaty rights, to preserve our intellectual property rights, and to sustain our culture through our respective systems, organizations, governments and institutions, c) to develop an effective and meaningful process to promote cooperation between the Nations on common issues, concerns, pursuits, and initiatives, d) to enhance communications and the sharing of Treaty-oriented information between nations, e) to promote mutually beneficial and profitable trade agreements between our indigenous nations, f) to ensure that scholarly exchanges and joint study on strategies of self-determination are undertaken by indigenous scholars, and g) to ensure that knowledge possessed by traditional elders, healers and/or other carriers of indigenous traditional knowledge is acknowledge, respected, utilized and protected, as appropriate. (NCAI, 2005)

Bruce Vaughn, Analyst in Southeast and South Asian Affairs, Foreign Affairs, Defense and Trade delineates an interesting westernized background of bilateral

New Zealand trade relations with the United States in his Report For Congress, updated on June 16, 2005. He summates that “New Zealand and the United States continue to have strong ties... These close ties are based on shared cultural traditions and values.” When reading further, one will find his idea of shared traditions and values as defined by war. “The fact that both nations are vigorous democracies with open market economies that have fought together in various conflicts from World War I to Vietnam.” He also emphasizes that although New Zealand’s closest external relationship is with Australia, its most enduring relationship is the United Kingdom. The closeness with Australia stems from their common origins as British colonies. Vaughn claims that New Zealanders’ affinities for the United Kingdom remain strong despite the UK’s decision to sever its preferential trade relationship with New Zealand, as well as the rest of the British Commonwealth, in order to join the European Community in the 1970s. The United Kingdom purchased two thirds of New Zealand’s exports in 1950. In more recent years, the UK has dropped to New Zealand’s fifth largest destination for exports. This has made the search for new foreign markets a key aspect of New Zealand’s foreign policy. (Vaughn, 2005)

Today, New Zealand’s second largest exports of goods goes to the United States, second to Australia. New Zealand’s principal exports are wool, meat, dairy products, fish, fruit, timber and manufactured products. The United States is the second largest source of imports to New Zealand. Free-Trade Agreements (FTA)

with the United States are desired by both Australia and New Zealand. New Zealand's Foreign Minister, Paul Goff, has expressed his concern that a bilateral FTA between Australia and the US, which has been fast tracked, will disadvantage New Zealand by diverting trade and investment from New Zealand. However, President Bush's appointee Trade Representative Rob Portman, a member of the Friends of New Zealand Congressional Caucus, which was established in February of 2005, has been viewed as a positive sign for a possible free trade deal with New Zealand. The bi-partisan Friends of New Zealand Congressional Caucus had an initial membership of 56 members of congress who feel in order for the U.S. to continue being a world leader in free trade, they must work toward a free trade agreement with New Zealand, as New Zealand will help open the doors to markets around the world.

Vaughn suggests that the lack of progress on a New Zealand-U.S. Free Trade Agreement, relative to Australia's bid, is due to New Zealand's opposition to what the New Zealand government perceived as a unilateral, United States-led war in Iraq. In addition, Vaughn suggests that the lingering distance in the relationship that is the result of the de facto split between the United States and New Zealand, within what was a trilateral ANZUS alliance (with Australia), that occurred in the mid 1980's. At that time, the Labor government of Prime Minister Lange, of which current Prime Minister Helen Clark was a member, decided to ban all nuclear powered and nuclear armed ships from New Zealand's ports. This led the United States to suspend its formal security commitment to New Zealand. The split led commentators on the

relationship to describe the United States and New Zealand as “friends, no longer allies.” The treaty remains in place with respect to the bilateral United States-Australia relationship. When asked if New Zealand’s nuclear policies were having an impact on FTA negotiations with New Zealand, President Bush stated “The nuclear policy, obviously, makes it difficult for us to have a military alliance. But we’re friends with the New Zealands (sic). We respect the New Zealand people.” And most recently, at a meeting between Prime Minister Clark and President Bush in Bangkok at the Asia Pacific Economic Cooperation meeting of October 2003, no changes were yielded in U.S. policy on FTA negotiations.

New Zealand has taken steps to establish free trade with Singapore by establishing closer economic partnerships in 2001. The agreement in place currently removes restrictions on trade in goods and services, and on investments. It was crafted when it became clear that attempts to push the global free markets agenda had come to a standstill for New Zealand. New Zealand’s government has had similar “exploratory” talks with Hong Kong, as well. ([www.arena.org.nz](http://www.arena.org.nz))

In the meantime, the strained relations between President Bush and New Zealand diplomats have had little affect on the potential of Native American international trade with other indigenous nations. Through the Committee on Indian Affairs, Senator Ben Campbell introduced The Native American Business Development, Trade Promotion, and Tourism Act of 1999 (S. 401) on April 30, 1998

after President Clinton, in 1994, issued an Executive memorandum to the heads of departments and agencies that obligated all Federal departments and agencies, particularly those that have an impact on economic development, to evaluate the potential impacts of their actions on Indian tribes, for because of inherent tribal sovereignty, Indian tribes retain the right to enter into contracts and agreements to trade freely, and seek enforcement of treaty and trade rights.

The purposes of the Act was: (1) to revitalize economically and physically distressed Indian reservations and Indian lands, (2) to promote private investment in Indian economies, (3) to promote long-range sustained growth in Native economies, (4) to reduce poverty levels and achieve a higher standard of living in Native Communities, (5) to encourage trade and business development for tribal members and governments, and (6) to promote economic self-sufficiency and political self-determination for Indian tribes and their members.

The findings in the Act recognized that the U.S. constitution recognizes the special relationship between the United States and Indian Tribes. Beginning in 1970, at the onset of the Indian self-determination era, President Nixon reaffirmed the special government-to-government relationship between the Tribes and the U.S. The law established that the Secretary of Treasury, through the Free Trade Zone Board, to expedite foreign-trade zones and ports of entry applications in connection with Indian lands. It also established an Office of Native American Business Development

within the Department of Commerce through US Code Title 25, Chapter 44, 4303. The Secretary of Commerce through the department director coordinates federal technical and financial assistance programs to aid eligible entities in the development of business opportunities, the expansion of trade, and economic development. The office is designed to coordinate a Native American trade and export promotion program to encourage Native American entry into international trade and commercial transactions. S. 401 also authorized the Secretary to facilitate the development of five tourism demonstration projects, which are currently in progress. (Senate Bill 401) Today, several tribes in the United States have established free-trade zones.

In regards to Maori's relationship with their parliament government, the Maori's are very leery of international trade agreements with other oppressive nations. "From the Maori viewpoint, the participation of government in international agreements without full consultation with, and consent of, their Treaty partner is untenable and surely unconstitutional. The position of Maori as the Treaty partner in Aotearoa is shown to be somewhat farcical. The reality is that the Crown can do whatever it likes regardless of Maori opinion." (Harawira, 1997)

The future of the First Nations of Canada participating in the Treaty is still in negotiations. The NCAI committee has met with First Nation representatives in British Columbia on April 12 and June 14, 2006 to highlight the idea on international indigenous trade. Understandable hesitation is not surprising, as most First Nations,

to this day, are still negotiating their own treaties and land claims with the Canadian government. Their relationship is not clearly defined when compared to the US/Tribal relations, and the Maori/Parliament relations. The idea of reestablishing ancient trade relations is known now, and more meetings are planned.

In summation, there is much more work to do in expressing to indigenous governments the urgency for global trade relations, for the welfare of all indigenous peoples is at stake. The need to establish such relations, I feel, is very evident. Layers of protocol must be sifted through and cultural barriers, although not too high, need to be understood, respected and cultivated. Reestablishing and advancing ancient trade relations will soon be a reality, for the race to secure indigenous nations against further oppressive Western capitalism has begun. Will New Zealand and Canada's dominant government chose the destiny of its indigenous people, or will the people take control of their destiny? With the guiding leadership of the NCAI helping direct the course for challenging, unprecedented change in implementing international indigenous trade, the future looks bright. Considering the Maori and First Nation's diplomacy of openness and interest, there is hope. The US tribes are preparing for free trade, with the support of the Federal government. We can only believe that by taking the lead, our indigenous brothers and sisters understand our intent of global indigenous goals and will feel confident in joining us.

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