

## **Inclusive Economy and Trade**

# INCLUSIVE ECONOMY, TRADE, AND INVESTMENT

## Article 1: Definitions

For the purposes of this Chapter:

**Underserved** refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.<sup>1</sup>

**Overburdened** refers to geographic communities where vulnerable populations face combined, multiple environmental harms and health impacts.

**Youth** means 16- to 24-year-olds working or actively looking for work.

## Article 2: General Principles

1. The Parties recognize that advancing an inclusive approach to international trade and investment is critical to achieving the objectives of this Agreement and to promoting inclusive economic growth and development within their economies.

2. The Parties also recognize that the benefits and opportunities afforded by international trade and investment, and this Agreement, should be shared and accessed equitably within their economies and acknowledge the important role that inclusive economic policies and practices can play to achieve this objective.

3. To advance an inclusive approach to international trade and investment, each Party shall implement this Agreement in a way that:

- (a) recognizes the diverse and varied<sup>2</sup> barriers to workforce protections and accessing international trade and investment opportunities faced by underserved communities;
- (b) promotes effective domestic coordination of trade, investment, labor, environment, social, and development policies and practices; and

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<sup>1</sup> For the United States, **underserved communities** include Black, Latino, Indigenous and Native Peoples (including American Indian, Alaska Native, and Native Hawaiian), Asian American, and Pacific Islander persons, and other persons of color; persons with disabilities; members of religious minorities; women and girls; lesbian, gay, bisexual, transgender, queer, and intersex persons; persons who live in rural and remote areas; persons who live in the United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such communities.

<sup>2</sup> For purposes of this chapter, **diverse** refer to barriers that are different in nature, type, and origin; **varied** refers to the quantity and number of differences.

- (c) advances the full participation of all persons in their economies to enhance well-being and provide equal opportunities for all segments of society to benefit from sustainable economic growth and development.

4. The Parties shall strengthen their cooperation to address the diverse and varied barriers that prevent some segments of society, including underserved and overburdened communities, from accessing the benefits and opportunities of international trade and investment.

5. The Parties also acknowledge the relevant work of other regional and international fora, including the WTO, the Organization for Economic Cooperation and Development (OECD), and the International Labor Organization (ILO), and recognize the importance of taking into consideration their findings, recommendations, and activities in order to advance an inclusive approach to international trade and investment, as appropriate.

6. The Parties recognize the importance of eliminating discrimination in respect of employment and occupation to achieving inclusive economic growth and development. Accordingly, the Parties acknowledge their respective obligations including those related to the *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up* (1998), as amended in 2022.

7. The Parties acknowledge that underserved communities are also often overburdened. The Parties recognize the importance of environmental protection and environmental justice within the Parties' respective territories for advancing inclusive economic growth and development.

8. The Parties recognize the importance of promoting sustainable agriculture practices that are context-appropriate and evidence-based; provide for the economic viability of agricultural operations, including those owned by underserved and overburdened communities; and enhance the livelihood of farmers, those working across food systems, and society as a whole. In this regard, the Parties acknowledge the importance of encouraging the use of flexible, voluntary approaches to fostering sustainable agriculture.

9. The Parties recognize the vital role of micro, small, and medium-sized enterprises (MSMEs) in resilient supply chains and competitive economies and commit to focus on activities to encourage the participation of MSMEs owned and operated by underserved groups, in international trade and investment.

10. The Parties also recognize that technical assistance and capacity building activities are an important component of advancing inclusive policies and practices, and achieving their shared objectives under this Chapter.

### **Article 3: Underserved and Overburdened Communities**

1. Each Party recognizes the role of government in advancing equity for underserved and overburdened communities.

3. Each Party acknowledges that it benefits when all members of its society are healthy, empowered, and integrated in political, economic, social, and rule of law systems, allowing individuals to contribute their unique talents and reach their full potential within the Party's economy.

4. The Parties recognize that the diversity of social and cultural contexts, geographies, and populations within their economies represent critical resources for promoting inclusive and sustainable growth, development, and well-being. The Parties further recognize the importance of creating opportunities for persons belonging to underserved and overburdened communities to participate in the Parties' economies in a manner that is free from discrimination, hostility and exclusion.

5. Each Party recalls the *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, done at New York on December 18, 1992 (UN Declaration on Minorities), and in particular its provisions related to participation in decision making and its provisions enabling persons belonging to minorities to participate fully in the economic progress and development in their countries. Each Party recognizes the importance of implementing this Agreement in a manner that takes into account the UN Declaration on Minorities.

6. The Parties recognize that inclusive policies and practices are critical to protecting the rights of persons belonging to underserved and overburdened communities. Accordingly, the Parties shall strengthen their cooperation in ways that support the implementation of this Chapter in a manner that promotes the well-being, security, self-sufficiency, and full, equal, and meaningful participation of persons belonging to underserved and overburdened communities in international trade and investment.

7. The Parties also acknowledge the diverse and varied barriers that may prevent or restrict persons belonging to underserved communities, who may face multiple and intersecting forms of discrimination, from accessing economic opportunities. Accordingly, the Parties shall strengthen their cooperation to address the diverse and varied barriers that may prevent persons belonging to underserved and overburdened communities from accessing, and participating equitably in, international trade and investment opportunities.

#### **Article 4: Gender Equity, Equality, and Empowerment**

1. The Parties recognize the importance of gender equity, equality, and empowerment to advancing international trade and investment for inclusive economic growth and development. The Parties commit to taking measures individually and cooperatively to advance international trade and investment policies and practices that support and further gender equity, equality, and empowerment.

2. The Parties recognize that inclusive international trade and investment policies and practices are critical to advancing gender equity, equality, and empowerment. The Parties acknowledge the diverse and varied barriers that may prevent access to international trade and investment opportunities on the basis of gender, gender expression, gender identity, and sexual

orientation. The Parties shall endeavor to implement this Agreement in a manner consistent with their shared commitment to advance full, equal, and meaningful economic participation of all persons, irrespective of gender.

3. The Parties recognize that gender-based inequality is multifaceted and requires international trade and investment policies and practices that are interconnected and structural. Accordingly, the Parties shall strengthen their cooperation in ways that support the implementation of this Chapter. Areas of cooperation may include taking measures to advance gender equity, equality, and empowerment by:

- (a) eliminating persistent gender-based violence, discrimination, and harassment and gender-related barriers to the workforce, including all forms of discrimination in employment and occupation;
- (b) advancing women's employment in well-paying, decent jobs;
- (c) strengthening working families by investing in care infrastructure;
- (d) reinforcing the importance of mentoring and networks for women workers and entrepreneurs;
- (e) promoting financial inclusion, financial literacy, and access to capital and financing;
- (f) closing gender wealth and pay gaps; and
- (g) promoting pay equity.

4. The Parties recognize that gender-based inequalities are often intersectional and can affect persons differentially on the basis of other forms of marginalization such as race, ethnicity, language, Tribal affiliation, education, age, geography, and disability. Each Party shall endeavor to adopt policies and practices that reflect and respond to the intersectional barriers to meaningful opportunities in international trade and investment.

5. Each Party shall endeavor to establish and maintain mechanisms for impact assessments to evaluate the effects of international trade and investment policies and practices on gender equity, equality, and empowerment. Through such mechanisms, each Party shall seek to:

- (a) improve disaggregated data collection to ensure that the impact of international trade and investment policies and practices on gender equity, equality, and empowerment is accurately assessed; and
- (b) establish and use monitoring and evaluation frameworks to track progress and identify areas of improvement in promoting gender equity, equality, and empowerment.

6. Each Party affirms its intention to achieve gender equity, equality and the empowerment of all women, consistent with *Sustainable Development Goal 5 of the United Nations 2030 Agenda for Sustainable Development (A/Res/70/1)*, and the *Beijing Declaration and Platform for Action* adopted by the United Nations at the Fourth World Conference on Women on September 15, 1995. Each Party also acknowledges the importance of increasing women’s participation in trade, and affirms, as appropriate, the *Joint Declaration on Trade and Women’s Economic Empowerment* made at the WTO Ministerial Conference in Buenos Aires in December 2017.

7. Each Party affirms the significance of the *Convention on the Elimination of All Forms of Discrimination Against Women*, done at New York on December 18, 1979, in particular those provisions related to eliminating discrimination against women in economic life and in the field of employment.

## **Article 5: Youth**

1. The Parties recognize that youth engagement is vital to inform, shape, and implement the international trade and investment policies and programs that impact their lives.

2. The Parties further recognize that diverse and varied barriers may prevent or hinder youth from accessing the benefits and opportunities provided by international trade and investment. As such, each Party shall endeavor to include youth in the development and implementation processes for those international trade and investment policies and programs intended to benefit youth, such as sharing information on policies and programs and seeking feedback directly from youth to inform the development and assess the impact of these policies and programs. Each Party shall seek to implement this Agreement in a manner consistent with the shared commitment to promote an environment that enables the full, equal, meaningful, and inclusive participation of youth in matters affecting international trade and investment.

3. Each Party recognizes that youth represent an important proportion of the population with the potential over their lifetimes to make vital contributions to each Party’s economy, including as workers, farmers, entrepreneurs, innovators, or community-based volunteers.

4. Each Party recognizes that youth unemployment and lack of economic opportunity for youth have significant long-term effects on shared prosperity for affected youth, their families, and the economy. Accordingly, the Parties affirm that creating economic opportunities for youth, and increasing youth participation in international trade, consistent with internationally recognized labor rights, is fundamental to successful implementation of this Agreement.

5. Each Party recognizes that youth are a particularly vulnerable population and may be subject to exploitation and abuse. Accordingly, each Party further recognizes that:

- (a) Young women and girls face additional barriers due to gender-based inequalities, including a greater likelihood of early marriage, lack of education, gender-based violence, and face gender-based norms and expectations that prevent them from accessing resources and economic opportunities;

- (b) Youth want to be actively involved in decision-making processes and many desire leadership opportunities; and
- (c) Youth enjoy greater economic opportunity when protected against all forms of discrimination or punishment on the basis of gender, gender identity, gender expression, race, ethnicity, religion, geography, income, age, education, or on the basis of status, activities, expressed opinions, or beliefs of the youth's family members or community.

6. The Parties recognize that youth can thrive with appropriate opportunities for education, including apprenticeships, vocational or trade-related education, and university degrees, and with economic opportunity, including employment with meaningful work and entrepreneurship for youth. The Parties further recognize that youth can be a positive force in international trade and investment when provided with the knowledge, skills, access, and opportunities necessary to participate. As such, each Party shall endeavor to:

- (a) equip youth with the knowledge and skills necessary to participate in matters affecting international trade and investment, including:
  - (i) vocational and trade-related education;
  - (ii) opportunities for underserved and overburdened youth, especially those in rural and remote areas;
  - (iii) educational and training opportunities related to export-oriented sectors with growing needs for labor and specialized expertise; and
  - (iv) internship, apprenticeship, and work-based learning programs, including at the high school level and university level, that may lead to direct employment;
- (b) identify barriers and factors that prevent students, particularly those in elementary school through high school, from attending or effectively participating in school; and
- (c) support educational and training curricula that prepare youth to compete at a global level, and provide students with the appropriate skills, including language skills, digital skills, and foundational skills (such as socio-emotional and soft skills, communication, and leadership) necessary to participate in matters affecting international trade and investment.

7. Notwithstanding paragraph 6, the Parties recognize that education and training requirements can be a barrier to employment. Accordingly, each Party shall endeavor to take this barrier into consideration in policies and programs that affect such requirements.

8. The Parties recognize that jobs and other opportunities in export-related sectors, including services sectors, can play an important role in meeting youth needs. Accordingly, the Parties shall strive to facilitate and promote more international trade and investment opportunities in these sectors.

9. The Parties recognize that youth face particular challenges in starting a business, including lack of access to finance, financial and regulatory literacy, and capabilities necessary to access opportunities in international trade and investment. The Parties recognize that barriers are further compounded by intersectional factors, such as gender, poverty, and discrimination. Accordingly, the Parties shall strengthen their cooperation to empower young entrepreneurs and expand meaningful access to, and participation in, international trade and investment. Such empowerment may include facilitating access to capital for young entrepreneurs through technical assistance, such as micro-loans and grant programs specifically designed for youth-led businesses, and providing trade-capacity building activities and training programs that enhance the capacity of young persons to conduct business in the formal economy.

10. The Parties recognize the important role of mentorship for youth and that youth without family and social networks have particular needs for mentorship and networking opportunities. Accordingly, the Parties shall endeavor to identify and share such opportunities among youth with a diversity of backgrounds.

11. Each Party shall endeavor to make publicly available online information regarding policies and programs intended to support youth, taking into account the means of communication and best practices to reach a broad range of youth.

12. Each Party shall endeavor to collect and review information on programs affecting youth at the national, sub-national, and local level and to consult with relevant officials to improve coordination, effectiveness in support for youth, and shared principles for positive youth development.

13. Each Party shall endeavor to share relevant data on youth, including participation in education, employment, and business opportunities and to conduct regular assessments for international trade and investment opportunities available to youth.

## **Article 6: Persons with Disabilities**

1. The Parties recognize that inclusive policies and practices are critical to protecting and promoting the rights of and economic opportunities for persons with disabilities, including, for example, as workers, entrepreneurs, innovators, and consumers. Accordingly, each Party shall endeavor to implement this Agreement in a manner that advances accessibility and the full, equitable, and meaningful participation of persons with disabilities in international trade and investment.

2. The Parties recognize that persons with disabilities make up a significant proportion of the population in each Party and in the global population. Each Party acknowledges the importance of persons with disabilities as both agents and beneficiaries of inclusive economic growth and



development. The Parties further recognize the fundamental societal contributions of persons with disabilities and that the empowerment of persons with disabilities is important in advancing inclusive economic growth and development for individual persons and society as a whole.

3. The Parties acknowledge that the interaction of individual functional and emotional limitations with barriers in physical, emotional, and digital environments may hinder full and effective participation in society on an equal basis with others. The Parties recognize, in particular, that persons with disabilities face diverse and varied barriers to accessing international trade and investment opportunities and acknowledge the importance of taking steps to ensure that persons with disabilities benefit from these opportunities. Each Party is committed to taking steps to ensure that international trade and investment policies and practices are tailored towards addressing the rights and needs of persons with disabilities and to take into account efforts to integrate disability considerations advocated by stakeholders representing persons with disabilities in the formulation, implementation, and review of matters affecting international trade and investment.

4. The Parties acknowledge that persons with disabilities often face multiple and intersecting forms of discrimination, including those based on gender, ethnicity, race, language, Tribal affiliation, education, age, geography, in addition to their disability. As a result, those persons can be disproportionately affected by poverty, have decreased access to education and business opportunities, and often lack adequately responsive worker protections and reasonable accommodations. Each Party shall promote international and domestic trade and investment policies that take into account the impact of multiple marginalizations in regards to barriers that persons with disabilities face.

5. The Parties recognize the importance of establishing and maintaining mechanisms for impact assessments to evaluate the effects of international trade and investment policies and practices on persons with disabilities. Accordingly, each Party shall seek to:

- (a) improve disaggregated data collection in their respective territories to improve its understanding of the impact of international trade and investment policies and practices on persons with disabilities; and
- (b) use monitoring and evaluation frameworks to track progress and identify areas of improvement in promoting equality, equity, and empowerment for persons with disabilities.

6. Each Party affirms the significance of the *Convention on the Rights of Persons with Disabilities*, done in New York on December 13, 2006. The Parties shall endeavor to create and support an inclusive and accessible economic, social, and political environment, where persons with disabilities are not seen as objects of charity or solely as objects of medical treatment. The Parties also acknowledge the importance of creating and supporting inclusive and accessible economic, social, and political environments, in line with Sustainable Development Goals 3, 8, 10, and 11 of the United Nations 2030 Agenda for Sustainable Development (A/Res/70/1) that enable equal opportunities for persons with disabilities, including in international trade and investment.

7. The Parties shall strengthen their cooperation to address the diverse and varied barriers that may prevent persons with disabilities from accessing the benefits and opportunities created by this Agreement. The Parties recognize that these barriers can be addressed through, for example:

- (a) supporting initiatives that encourage inclusive employment practices that provide equal opportunity for persons with disabilities to participate in the workforce and encourage supplier diversity programs that consider businesses owned and operated by persons with disabilities;
- (b) ensuring that trade infrastructure complies with universal design principles to provide accessibility to persons with disabilities;
- (c) supporting initiatives that leverage technology to ensure that persons with disabilities can participate fully in international business events and access global markets;
- (d) supporting access to affordable medical equipment and affordable pharmaceuticals, as these measures can improve or alleviate monetary, physical and medical barriers to participate in international trade and investment;
- (e) supporting access to sanitary and safe working conditions in prevention of exacerbating a condition that can cause greater disability;
- (f) supporting clear and enforceable non-discrimination laws regarding persons with disabilities; and
- (g) developing accessible information and communication materials in formats accessible to individuals with different types of disabilities and in accordance with web accessibility standards.

## **Article 7: Diaspora Engagement**

1. The Parties recognize that a diaspora consists of peoples originating from a particular territory and living outside that territory, irrespective of their citizenship and nationality, and that particular diasporas may also be defined by each Party.

2. The Parties recognize the importance of strengthening trade and investment ties between and among both Parties and each Party's diaspora community by elevating engagement through collaboration, partnership, and community-building.

3. The Parties recognize that a diaspora in each Party's territory constitutes a source of strength for the growth, development, and well-being of their respective populations. Each Party shall endeavor to promote programs and initiatives to strengthen cultural, social, political, and economic ties between and among diaspora communities, and will seek to address challenges and opportunities to advance inclusion, belonging, and public awareness of the diversity, accomplishments, culture, and history of a diaspora.

4. The Parties recognize that the historically unique circumstances that have shaped some diasporas have in many cases created ongoing barriers of racism, xenophobia, and other forms of discrimination that have impeded full and meaningful participation by members of a diaspora in the economies and societies in which they reside. The Parties further recognize in particular the diverse and varied barriers that may prevent access to international trade and investment opportunities for members of each Party's diaspora. Accordingly, each Party shall endeavor to advance equity and equality for members of the diaspora of each Party's diaspora, particularly in order to promote their full and meaningful participation in international trade and investment.

5. The Parties recognize that remittances from members of each Party's diaspora can be significant sources of individual household support and as sources of investment.

6. The Parties recognize the importance of trade and investment in the territory of each Party by members of the other Party's diaspora. Each Party shall endeavor to support initiatives designed to ensure a secure and sound economic and investment environment for each Party's diaspora and diaspora businesses and entrepreneurs who seek to do business in the territory of the other Party.

7. The Parties recognize the importance of fostering stronger ties among professional and trade associations, professionals, and other workers in the territory of each Party and the other Party's diaspora. The Parties shall seek to create and support opportunities for mentoring and networking for access to employment opportunities.

8. The Parties recognize the importance of supporting trade in services, such as the creative industries and the arts, in ways that enhance exchanges between artistic communities in between a Party and the other Party's diaspora community.

9. The Parties recognize that youth create opportunities for innovation and economic growth. The Parties shall endeavor to support education and youth leadership programming that fosters ties between youth leaders in the territory of a Party and its diaspora community in the other Party's country.

10. The Parties recognize the importance and mutual benefit of fostering multiple forms of diaspora support and engagement, including programs and initiatives:

- (a) to expand educational exchange programs between both countries;
- (b) to increase public-sector and private-sector collaboration and community involvement in improving the socio-economic well-being of each Party's diaspora communities; and
- (c) to increase the participation of members of each Party's diaspora in trade, investment, economic growth, and development programs, such as:
  - (i) a business development agency and private sector initiatives that seek to strengthen commercial engagement between the central level government,

and the other Party's MSMEs, including those owned and operated by members of underserved communities;

- (ii) programs that bring together services from across central level government to help companies and investors do business in each Party's market;
- (iii) commitments by each Party's respective export credit agency to support and expand diaspora commercial engagement;
- (iv) continued outreach and support for diaspora-led small businesses through a Party's small business department, such as business counseling programs, business mentoring, and loan products;
- (v) diaspora engagement through higher education and workforce development, including through a university partnership initiative, to facilitate university exchanges between each Party;
- (vi) philanthropic foundation partnerships to leverage diaspora ties and support entrepreneurship; and
- (vii) a women's entrepreneurship program to empower women entrepreneurs and support women-owned businesses in the territory of a Party to build their capacity to access the other Party's market.

## **Article 8: Indigenous Peoples and Local Communities**

1. The Parties recognize that inclusive policies and practices are critical to protecting and promoting the rights of Indigenous Peoples<sup>3</sup> and interests of local communities<sup>4</sup> and shall endeavor to implement this Agreement in a manner that advances the full, equitable, and meaningful participation of Indigenous Peoples and local communities in international trade and investment.

2. The Parties recognize that Indigenous Peoples and local communities have a long history of engaging in trade and investment and that supporting this engagement is fundamental to maintaining and promoting their histories, identities, values, culture, traditional knowledge, and overall well-being.

3. The Parties acknowledge the fundamental contribution of Indigenous Peoples and local communities to society. The Parties further recognize that the empowerment of all persons who are part of these cultures is important in advancing inclusive economic growth and socio-economic development for individuals and society as a whole.

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<sup>3</sup> For the United States, **Indigenous Peoples** means Indigenous and Native Americans, including American Indians, Alaska Natives, and Native Hawaiians.

<sup>4</sup> For greater certainty, the Parties understand that, by reason of their respective law and policies, the interpretation of the term "local communities" as used in this Chapter may differ for each Party, as applicable.

4. The Parties acknowledge the importance of promoting the participation of Indigenous Peoples and local communities in trade and investment in a manner that respects their traditions, aspirations, and needs.
5. The Parties recognize the benefits of sharing their respective experiences of Indigenous Peoples and local communities in designing, implementing, and monitoring policies and programs aimed at increasing the participation of Indigenous Peoples and local communities in international trade and investment.
6. The Parties recognize and respect the importance of facilitating trade, investment, and economic opportunities for and between Indigenous Peoples and local communities. The Parties also recognize the need to include representatives of Indigenous Peoples and local communities in foreign trade missions through, among other things, partnerships between Indigenous Peoples and local communities and the governments of each Party to connect with and exchange views with Indigenous Peoples and local communities,
7. Each Party affirms its support for the *Declaration on the Rights of Indigenous Peoples*, done at New York on September 13, 2007 (UN Declaration on Indigenous Peoples) and recognizes the significance of its provisions on free, prior, and informed consent and the importance of promoting Indigenous Peoples' development in a manner that respects their needs, interests, knowledge, cultures, and traditional practices. Accordingly, the Parties recognize the importance of implementing this Agreement in a manner that takes into account the UN Declaration on Indigenous Peoples.
8. The Parties acknowledge that Indigenous Peoples and local communities are often recipients of multiple and intersecting forms of discrimination, with the result that Indigenous Peoples and local communities are often disproportionately affected by poverty and have decreased access to education and business opportunities. Each Party shall seek to promote domestic and international trade and investment policies and practices that take into account the impact of multiple marginalizations in regards to barriers that Indigenous Peoples and local communities face daily.
9. Each Party shall seek to include leaders or representatives from Indigenous Peoples and local communities into committees of advisors to the Party for its domestic trade and investment consultation processes.
10. Recognizing the unique historical experience of Indigenous Peoples in the territory of each Party, and the desire of such Peoples and communities to have their experiences taken into account, each Party shall seek to solicit views of Indigenous Peoples and local communities when developing that Party's international trade and investment policies and practices.
11. The Parties recognize that workers and traditional, micro, and small enterprises in rural and remote communities, where Indigenous Peoples and local communities often reside, can be more reliant than urban communities on certain economic sectors, such as agriculture, forestry, and mining, which can increase economic and environmental risks.

12. The Parties recognize the importance of establishing and maintaining mechanisms for evaluating the effects of international trade and investment policies and practices on Indigenous Peoples and local communities. Accordingly, each Party shall seek to:

- (a) improve disaggregated data collection in their respective territories with a view towards ensuring that the impact of international trade and investment policies and practices on Indigenous Peoples and local communities as workers, entrepreneurs, and innovators is accurately assessed; and
- (b) use monitoring and evaluation frameworks to track progress and identify areas in need of improvement in promoting equity, equality, and empowerment for Indigenous Peoples and local communities.

13. The Parties recognize the diverse and varied barriers that may prevent or restrict Indigenous Peoples and local communities from accessing international trade and investment opportunities. Accordingly, the Parties shall strengthen their cooperation to address these barriers to support the implementation of this Chapter, including through activities designed to improve the capacity and conditions for Indigenous Peoples and local communities to access the benefits and opportunities created by this Agreement.

14. The Parties acknowledge the contribution that the full and meaningful participation of Indigenous Peoples and local communities in international trade and investment can make to advancing inclusive economic growth and development.

15. The Parties recognize the importance of exchanging views and exploring mechanisms to support and enable Indigenous Peoples to develop, protect, and control their cultural heritage, traditional knowledge, and traditional cultural expressions<sup>5</sup>. The Parties also recognize the importance of sharing information, experiences, and approaches on mechanisms to protect Indigenous arts and traditional cultural expressions from misuse and misappropriation and to protect against the production, purchase, and sale of inauthentic Indigenous arts and traditional cultural expressions.

16. The Parties recognize the contribution of traditional knowledge, including traditional knowledge associated with genetic resources, and traditional cultural expressions to the participation of Indigenous Peoples and local communities in international trade and investment. The Parties acknowledge the value of protecting and promoting the intellectual property of Indigenous Peoples and local communities, including through existing intellectual property systems.<sup>6</sup> The Parties shall endeavor to work together and with Indigenous Peoples and local communities, to explore ways to protect, promote, and preserve the traditional knowledge,

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<sup>5</sup> For greater certainty and for the purposes of this paragraph, traditional knowledge and traditional cultural expressions includes: the names and uses of plants, traditional foods, languages, sciences, medicines, song, stories, songlines, dance, and works of art.

<sup>6</sup> For greater certainty, this paragraph is without prejudice to the position of any Party on traditional knowledge, including traditional knowledge associated with genetic resources, and traditional cultural expressions, including in discussions or negotiations in relevant regional or international fora, and without prejudice to any future developments to existing intellectual property systems.

including traditional knowledge associated with genetic resources, and traditional cultural expressions in view of ongoing work in relevant regional and international fora.

## **Article 9: Rural and Remote Communities**

1. The Parties recognize the diversity of geographies and population distributions within their countries and the importance of trade to economic growth and opportunity in rural and remote communities.

2. The Parties recognize the potential of persons in rural and remote communities to make critical contributions to inclusive growth and development, including through their participation in key economic sectors, such as agriculture, natural resources, manufacturing, and services.

3. The Parties recognize that incomes in rural and remote communities can be more reliant than urban communities on economic sectors, such as agriculture, forestry, and mining, which are more susceptible to economic and environmental factors, and that such communities may have less diversified economies, which can increase economic and environmental risks.

4. The Parties recognize that persons living or working in rural and remote communities experience social, economic, and geographic barriers to economic opportunity and participation in international trade and investment. These barriers may include limitations in:

- (a) transportation and logistics services due to location or population density;
- (b) digital infrastructure, including internet and broadband connectivity and equipment to support connectivity necessary for commerce and for public goods and services;
- (c) education and workforce development opportunities;
- (d) financial services, such as banking to support local investment; and
- (e) social networks with other geographic areas, including urban areas, particularly for isolated communities.

5. The Parties acknowledge that inclusive policies and practices, informed by the needs and perspectives of rural and remote populations, are critical in recognizing and responding to the risks to these communities and barriers to their participation in international trade and investment. Accordingly, the Parties shall strengthen their cooperation in ways that support the implementation of this Chapter.

6. Each Party shall endeavor to collect and share relevant economic data on its rural and remote communities with the other Party, including factors in economic opportunity related to trade and investment and risks such as those described in paragraph 3.

7. Each Party shall endeavor to measure the impact of trade and investment policy on a diverse range of rural and remote communities within its jurisdiction.



8. The Parties recognize the particular role of rural and remote communities in farming and food production and in environmental sustainability, including that such communities:

- (a) play a critical role in global food production and also may rely on local farms and food-related businesses in building community engagement and nutrition support; and
- (b) are home to natural resources, such as forests and minerals, that are critical to local and national economies and whose sustainable use and management contributes to sustainable development.

Accordingly, each Party shall endeavor to consult with rural and remote communities on these issues.

#### **Article 10: Transparency and Accountability**

1. The Parties recognize that underserved and overburdened communities may face greater barriers than the general public in accessing available information, *e.g.*, due to lack of internet access or accessibility of internet platforms for persons with disabilities. The Parties shall strive to identify any such information barriers and to address any identified barriers.

3. The Parties shall convene the Council on Inclusive Economy and Trade established under Article 15 (Council) annually to review progress towards achieving the objectives of this Chapter and, based on the results of this review, develop cooperative activities designed to make further progress. The Parties shall endeavor to publish, or otherwise make available to the public, including underserved and overburdened communities, the results of the annual review.

#### **Article 11: Responsible Business Conduct**

1. The Parties recognize the importance of responsible business conduct in promoting inclusive economic growth and development. The Parties also recognize the role of governments in driving, supporting, and promoting responsible business practices including taking into account the potential impact on underserved and overburdened communities.

2. The Parties further recognize the relationship between responsible business conduct and economic inclusion. Accordingly, each Party shall encourage enterprises organized or constituted under its law or operating in its territory to adopt and implement best practices of responsible conduct that it endorses or supports, such as those in internationally recognized standards, guidelines, and principles.<sup>7</sup> In doing so, each Party shall endeavor to avoid disproportionately burdening MSMEs, as compared to other enterprises.

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<sup>7</sup> Internationally recognized standards, guidelines, and principles may include standards, guidelines, and principles referred to in international instruments such as the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and related due diligence guidance, the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and the UN Guiding Principles on Business and Human Rights.



3. The Parties shall strengthen their cooperation under paragraph 2, including in relevant regional and international fora, as appropriate. Such cooperation may include activities to support the exchange of best practices and outreach initiatives.

## **Article 12: Disaggregated Data and Analysis**

1. To advance an inclusive and equitable approach to international trade and investment in the implementation of this Agreement, the Parties recognize that the significance of access to disaggregated data and analysis that can reveal the differential economic effects of international trade and investment on underserved and overburdened communities. The Parties further recognize that access to such data also facilitates each Party's ability to employ methods and procedures to identify and assess the distributional effects of their trade and investment policies on underserved and overburdened communities.

2. Accordingly, the Parties shall exchange information and best practices on methods and procedures for: collecting and analyzing relevant disaggregated data; facilitating engagements with the private sector, civil society, academia, and other nongovernmental stakeholders; developing inclusive policies; and coordinating efforts.<sup>8</sup> These methods and procedures may relate to:

- (a) exchanging information, as appropriate, on their practices, tools, or methods for collecting, analyzing and utilizing relevant disaggregated data to consider or address effects, including potential differential effects, on underserved and overburdened communities, including relating to economic opportunities and related factors, economic and environmental-related risks, participation in education, employment and business opportunities, and other trade and investment-related factors;
- (b) regularly assessing international trade and investment opportunities available to underserved and overburdened communities;
- (c) monitoring implementation of trade and investment agreements as related to traditionally underserved and overburdened communities; and
- (d) measuring the impacts of trade and investment policies on underserved and overburdened communities.

3. The Parties recognize the importance of access to disaggregated data and establishing and maintaining mechanisms or procedures to ensure future access. To facilitate accountability to stakeholders, each Party shall:

- (a) ensure that disaggregated data will be publicly accessible; and

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<sup>8</sup> For the United States, academia includes community colleges, Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs), Hispanic Serving Institutions (HSIs), and Minority Serving Institutions (MSIs).

- (b) create sustainable reporting mechanisms and products that include interested stakeholders from the underserved and overburdened communities being studied or colleges and universities that serve and study underserved communities.<sup>9</sup>

4. The Parties further recognize the importance of establishing and maintaining mechanisms or procedures to facilitate the evaluation of the distributional economic effects of international trade and investment policies and practices on underserved and overburdened communities. Accordingly, each Party shall seek to:

- (a) improve the collection, generation, and analysis of relevant disaggregated data as well as consultation with relevant underserved and overburdened communities in its territory, so that the economic effects of international trade and investment policies and practices on such communities can be accurately assessed; and
- (b) use monitoring and evaluation frameworks to track progress toward achieving the objectives of this Chapter and identify areas of improvement in promoting equity, equality, and empowerment for underserved and overburdened communities.

### **Article 13: Trade and Investment Capacity Building**

1. The Parties recognize that international trade and investment capacity building provides a catalyst for inclusive economic growth and development.

2. The Parties further recognize that underserved and overburdened communities have faced and may continue to face diverse and varied barriers to international trade and investment opportunities and that capacity building measures that address these barriers would advance inclusive economic growth and development.

3. Each Party commits to provide trade capacity building activities that further advance inclusive international trade and investment policies and practices to promote the full, equal, and meaningful economic participation in trade by underserved and overburdened communities.

4. The Parties further recognize that inclusive trade and investment capacity building initiatives in support of the implementation of this Agreement should include activities designed specifically to expand meaningful access to, and improve participation in, international trade and investment opportunities for underserved and overburdened communities and to safeguard participation in international trade and investment opportunities by all segments of society. The Parties further recognize that those activities should specifically target persons in underserved and overburdened communities and may include projects that support:

- (a) financial literacy and access to credit and finance;

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<sup>9</sup> For the United States, these colleges and universities include Historically Black Colleges and Universities, Hispanic Serving Institutions, Asian American and Native American Pacific Islander Serving Institutions, Tribal Colleges and Universities, and Minority Serving Institutions.

- (b) access to education, employment professional licensing, mentoring, leadership development, networking, social entrepreneurship, technical assistance, and related training and capacity building initiatives intended to enhance access and participation to the trade and investment opportunities created by the Agreement;
- (c) the development of business and technology knowledge and the adoption of related best practices;
- (d) access to and participation in trade and business associations;
- (e) a worker-centered approach to trade and investment, including support for worker rights and protections, the promotion of decent jobs, and equal opportunities in the workplace;
- (f) customs administration and trade facilitation;
- (g) digital and information technology access; enhanced digital inclusion, transformation, and connectivity; and opportunities to strengthen digital skills; and
- (h) the development of infrastructure in care, health, education, and other social support systems.

5. The Parties shall endeavor to develop a written strategy for implementing trade and investment capacity building initiatives in connection with this Agreement and to review ongoing capacity building efforts and provide the Council with relevant updates on that strategy as necessary.

6. The Parties shall:

- (a) seek to prioritize inclusive trade and investment capacity building projects;
- (b) through the Council, invite, as appropriate, international donor institutions, private sector entities, and non-governmental organizations to assist in the development and implementation of inclusive trade and investment capacity building projects in accordance with the priorities set out in the strategy described in paragraph 6;
- (c) regularly consult with government agencies and subdivisions to develop and implement processes and policies for coordinating and optimizing inclusive trade and investment capacity building initiatives;
- (d) consult at least annually, through committees or working groups established under this Agreement, including through joint meetings as may be appropriate, in support of the development and implementation of inclusive trade and investment capacity building projects;

- (e) monitor and assess progress in implementing inclusive trade and investment capacity building projects; and
- (f) provide a report annually to the Council describing these activities, unless the Council otherwise decides.

#### **Article 14: Cooperation Activities**

1. The Parties recognize the importance of cooperation for the effective implementation of this Chapter. Accordingly, the Parties shall strengthen their cooperation implementing this Chapter. Areas of cooperation may include:
  - (a) promoting investment in education and training programs that enhance the skills and capabilities of underserved, overburdened, and diaspora communities in matters affecting international trade and investment;
  - (b) establishing responsive support mechanisms to assist in navigating challenges that underserved, overburdened, and diaspora communities face in matters affecting international trade and investment;
  - (c) promoting initiatives that provide funding and support for businesses owned and operated by underserved, overburdened, and diaspora communities engaged in international trade;
  - (d) supporting efforts to improve access to sanitary and safe working conditions and to prevent worsening conditions that can cause additional barriers for underserved, overburdened, and diaspora communities;
  - (e) supporting policies or programs within the Parties' respective national jurisdictions that promote environmental justice, enhance access to environmental programs and services, and improve equity in environmental protection and benefits, especially for underserved, overburdened, and diaspora populations;
  - (f) developing trade facilitation measures to address specific gender-based challenges to accessing meaningful participation in international trade and investment;
  - (g) facilitating access to markets for businesses by providing gender-responsive and targeted support, including information, resources, and training;
  - (h) supporting gender-responsive initiatives that leverage technology in accessing global markets;
  - (i) exchanging information on concerns and best practices to support young entrepreneurs to take advantage of the opportunities provided by international trade and investment, including with respect to trade-skills education and finance, skills

development, access to affordable technologies and supply chains, and participation in business networks;

- (j) sharing information with youth on education, mentoring, online resources, and training opportunities, and exchanging information on needs for specialized skills for workers related to international trade and investment;
- (k) sharing information with youth on labor rights, including in cooperation with trade unions, and exchanging information on such activities;
- (l) encouraging persons and enterprises engaged in international trade and investment to adopt:
  - (i) employment practices that provide equal opportunity for persons with disabilities to enter into and participate in the workforce, and
  - (ii) supplier diversity programs that consider businesses owned by persons with disabilities;
- (m) supporting workplace and other business environment-related standards that can avoid exacerbating current disabilities and the development of new disabilities;
- (n) developing information and communication materials in formats accessible to individuals with different types of disabilities and in accordance with international web and mobile accessibility standards;
- (o) promoting design of infrastructure, including digital infrastructure, that complies with universal design principles and is designed to be accessible to persons with disabilities;
- (p) promoting disability awareness and inclusion training for persons involved in trade and investment, such as customs officials;
- (q) supporting initiatives that leverage technology, including digital accessibility, assistive technology, and communication accommodations, to ensure that persons with disabilities can participate fully in international business events and access global markets;
- (r) promoting access to affordable assistive technology and medical products, such as pharmaceuticals and devices, for persons with disabilities;
- (s) encouraging the effective enforcement of non-discrimination laws regarding persons with disabilities;
- (t) providing support for workers who are members of each Party's diaspora community and for both workers and trade unions in the territory of a Party;

- (u) supporting opportunities for consumers of each Party's diaspora community to access goods of a Party;
- (v) encouraging partnerships between public agencies and MSMEs owned by Indigenous Peoples and local communities in order to enable sharing of best practices and knowledge of funding opportunities and to facilitate and encourage international trade and investment;
- (w) encouraging Indigenous Peoples' organizations to co-host special foreign trade missions with Indigenous Peoples' organizations in other countries.
- (x) promoting design of infrastructure, including digital infrastructure, that complies with universal design principles and is designed to be accessible to persons living and working in rural and remote communities;
- (y) considering the interests and potential for rural and remote communities related to accessing market opportunities for goods and services trade; and
- (z) identifying opportunities to support economic resilience with information networks among rural and remote communities, and with metropolitan communities.

#### **Article 15: Council on Inclusive Economy and Trade**

1. To facilitate and promote cooperation under this Chapter, the Parties hereby establish a Council on Inclusive Economy and Trade.

2. The Council shall consist of a tripartite Committee structure, to permit consultation across a broad range of stakeholders and to facilitate participation in the shared goals of advancing inclusive international trade and investment between the Parties. The Parties shall establish the following Committees of the Council:

- (a) **Governmental Committee:** The Governmental Committee shall consist of government representatives of each Party. The Governmental Committee should facilitate productive dialogue across each Party's competent authorities, as well as engagement with intergovernmental organizations that have developed expertise and perspective on how to support trade and investment.
- (b) **Private Sector, Business, and Entrepreneurs Committee:** The Private Sector, Business, and Entrepreneurs Committee shall facilitate communication and exchange across key and emerging sectors of importance to underserved, overburdened, and diaspora communities, and which may consist of representatives from each Party's businesses, MSMEs, informal enterprises, and other entrepreneurs; and

- (c) Labor and Civil Society Committee: The Labor and Civil Society Committee shall facilitate dialogue to support and highlight concerns across labor and civil society, seeking to include traditionally underserved groups, which may consist of representatives from organizations advocating for underserved, overburdened, and diaspora communities; and which may include representatives from trade unions, civil and human rights organizations, academia, and climate and environmental groups.

3. The Council shall convene within one year of entry into force of this Agreement. The Council shall establish the Committees in paragraph 2 within two years of entry into force of this Agreement. Thereafter, the Council shall convene annually, conduct an annual review, and consult jointly with the Committee at least once per year, to consider any matter arising under this Chapter. The annual meeting shall operate as follows:

- (a) The meeting shall include two sessions. Each Committee shall meet separately to facilitate internal discussion of the agenda. Subsequently, the Committees shall discuss the agenda and, where appropriate, put forward matters for joint approval. The Parties recognize that decisions adopted in the plenary sessions shall constitute decisions of the Council.
- (b) The agenda shall include:
  - (i) updates on disaggregated data and analysis regarding the distributional effects of this Agreement on each Party's underserved and overburdened communities;
  - (ii) progress achieved in identifying and addressing trade barriers and improving access to trade and investment opportunities under the Agreement; and
  - (iii) the impact of those trade and investment opportunities in facilitating inclusive growth.
- (c) The objectives shall include:
  - (i) adoption of findings and recommendations regarding best practices; and
  - (ii) identification of priorities for all relevant stakeholders, including priorities for technical assistance and capacity-building.
- (d) The meeting may occur in person or using remote or virtual technologies. Rapporteurs for each Session shall compile and produce a public and accessible report on findings, recommendations, and best practices.

5. The Council may:

- (a) develop a work program of cooperative activities as defined in Article X.14 (Cooperation Activities);
- (b) facilitate and evaluate cooperative activities in relation to this Chapter;
- (c) establish issue-specific working groups comprising relevant government representatives from interested parties to support cooperation activities under this Chapter;
- (d) consult with, and consider input from, stakeholders or experts, where appropriate, to support the work of the Council;
- (e) communicate and collaborate on any matter of common interest in relation to this Chapter; and
- (f) carry out other duties as decided by the Parties related to implementation of this Agreement.

6. In the performance of its duties, the Council may work with other committees established under this Agreement, including to avoid duplication of work.

#### **Article 16: Public Engagement**

1. Each Party shall establish or maintain appropriate mechanisms to consult with interested groups and relevant stakeholders on the implementation of this Chapter. Such mechanisms may include:

- (a) publication of information about this Chapter;
- (b) requests for input on activities related to this Chapter; and
- (c) publication of information on Committee activities.

2. To reflect the economic inclusive intention of this Chapter, each Party intends to consult with a broad group of stakeholders, including individuals who are members of the communities identified in this Chapter, community-based organizations, private sector entities, local governments, Tribal governments, and academia.

3. The Parties may encourage consultation among relevant stakeholders to identify mutual priorities.

#### **Article 17: Contact Points**

Each Party shall, within 60 days of entry into force of this Agreement, designate and notify a senior government official from its relevant competent authorities as the contact point to facilitate communication and coordination between the Parties on matters arising under this



Chapter. Each Party should should notify the other Party promptly of any change such contact point.