**CHAPTER 17**

**INDIGENOUS PEOPLES TRADE AND INVESTMENT ECONOMIC COOPERATION**

**Article 17.1**

**Objectives and General Provisions**

1. The Parties acknowledge their mutual objective to advance economic prosperity through sustainable and inclusive trade and affirm their commitment to promote an inclusive environment for First Nations[[1]](#footnote-2) people, organisations and businesses that enhances the ability of First Nations people, organisations and businesses to participate in and benefit from the opportunities created by international trade and investment, including under this Agreement.

2. The Parties recognise the unique and important contribution that First Nations people, organisations and businesses make to international trade and investment.

3. The Parties recognise the importance of empowering First Nations people, organisations and businesses to benefit from opportunities created by international trade and investment.

4. The Parties affirm their commitment to facilitate and support the development and maintenance of their traditional knowledge and cultural expressions and to respect, preserve and promote traditional knowledge and cultural expressions through appropriate measures.

5. The Parties acknowledge the importance of identifying and addressing domestic and external barriers that may prevent or restrict First Nations people, organisations and businesses from accessing international trade and investment opportunities.

6. The Parties affirm their commitment to the *United Nations Declaration on the Rights of Indigenous Peoples* done at Geneva on 13 September 2007 (“UNDRIP”).

**Article 17.2**

**First Nations International Instruments**

1. The Parties recognise the importance of implementing the UNDRIP.

2. The Parties recognise the importance of achieving the *United Nations Transforming our World: the 2030 Agenda for Sustainable Development* done at Geneva on 25 September 2015 (“Sustainable Development Goals”)*,* noting the relevance of the Sustainable Development Goals to First Nations people, organisations and businesses, to the protection of lands, waters and natural resources, and to supporting the conditions for sustainable and inclusive economic development.

**Article 17.3**

**International Fora**

The Parties recognise the importance of current initiatives, efforts and work on traditional knowledge and traditional cultural expressions in relevant international fora and international instruments, and of taking into account their findings and recommendations where appropriate.

**Article 17.4**

**Areas of Cooperation**

1. The Parties agree to cooperate on the subject matter covered by this Chapter and related provisions in other Chapters of this Agreement, including through appropriate coordination, exchange of information, and joint trade and investment promotion activities.

2. The areas of cooperation may include:

(a) exchanging good practices, projects and programmes to enhance First Nations people, organisations and businesses’ trade and investment outcomes;

(b) promoting trade and investment in relevant sectors for First Nations organisations and businesses, including those that relate to or derive from traditional knowledge and traditional cultural expressions such as arts and crafts, dance and music, tourism, food and agri-business, biological diversity and environmental management, the green economy and resources;

(c) sharing experiences and coordination to prevent exports of counterfeit goods purporting to derive from traditional knowledge or traditional cultural expressions;

(d) exchanging views and information on practices and policies with regard to the resale royalty rights of artists, including First Nations artists;

(e) undertaking research, joint studies and other work on possible ways to achieve trade and investment outcomes for First Nations people, organisations and businesses;

(f) sharing experiences to enhance the ability of First Nations people, organisations and businesses to participate in, and benefit from, both Parties’ energy transition;

(g) collaborating to develop links with First Nations people-owned enterprises, to facilitate their access to supply chains, to provide opportunities for digital trade, and to facilitate cooperation between enterprises on trade and investment in First Nations products and services; and

(h) identifying, developing and supporting opportunities to strengthen business-to-business networks, connections and partnerships between both Parties, including through trade missions.

**Article 17.5**

**Relation to Other Chapters**

The Parties acknowledge that, in addition to the provisions of this Chapter, there are provisions in other Chapters of this Agreement that refer to First Nations people and businesses or organisations.

**Article 17.6**

**Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions**

1. The Parties acknowledge the cultural significance of genetic resources, traditional knowledge, and traditional cultural expressions, including with respect to the names and uses of plants, traditional foods, language, song, stories, songlines, dance and works of art.

2. The Parties recognise the value of protecting traditional knowledge and traditional cultural expressions, including through intellectual property rights.

3. The Parties recognise the contribution of genetic resources, traditional knowledge, and traditional cultural expressions to the participation of Indigenous Peoples in international trade and investment.

4. The Parties affirm the importance of working towards multilateral outcomes on intellectual property-related aspects of genetic resources, traditional knowledge, and traditional cultural expressions, including through the World Intellectual Property Organization.

5. The Parties may exchange information on activities related to genetic resources, traditional knowledge, and traditional cultural expressions and intellectual property rights.

6. This Article is to be applied in a manner consistent with the Parties’ relevant international obligations and their respective laws and regulations.

**Article 17.7**

**Sustainable Agriculture and Food Systems**

The Parties agree to cooperate to promote the inclusion of First Nations people, organisations and businesses in agri-food and agricultural trade and related activities.

**Article 17.8**

**Digital Inclusion**

The Parties recognise the importance of digital inclusion for First Nations people, organisations and businesses and agree to encourage their participation in electronic commerce and digital trade.

**Article 17.9**

**Investment**

With a view to ensuring that First Nations people, organisations and businesses benefit from investment activities, the Parties agree to encourage investors or enterprises operating within their respective territories to undertake and maintain early and meaningful engagement and dialogue with First Nations people, organisations and businesses, in accordance with international responsible business conduct standards, guidelines and principles that have been endorsed or supported by a Party, such as the UNDRIP.

**Article 17.10**

**Environment**

1. The Parties recognise the unique and important contribution of First Nations people, organisations and businesses to the protection of the environment, and the promotion of sustainable development and biological diversity.

2. The Parties agree to respect, preserve and maintain knowledge and practices of their First Nations people, organisations and businesses embodying traditional lifestyles that contribute to the conservation and sustainable use of biological diversity, and the role of international trade in supporting these objectives.

3. The Parties agree to protect the traditional rights and interests in land and water of their First Nations people in accordance with each Party’s law.

**Article 17.11**

**Contact Points**

1. Each Party shall designate and notify a contact point on matters relating to First Nations.

2. A Party shall promptly notify the other Party of any change to its contact point.

3. The contact points shall facilitate communication, coordination and information exchange between the Parties:

(a) on any matter the Parties consider relevant to this Chapter;

(b) as required for monitoring the implementation of this Agreement as it relates to First Nations people, organisations and businesses; and

(c) as required for coordinating between the Joint Committee, any subcommittee, working group or other subsidiary body established under this Agreement, on any matter covered by this Chapter.

**Article 17.12**

**Non-Application of Dispute Settlement**

The Parties shall not have recourse to dispute settlement under Chapter 25 (Dispute Settlement) for any matter arising under this Chapter.

1. For Australia, First Nations or Indigenous Peoples refers to Aboriginal and Torres Strait Islander Peoples of Australia. [↑](#footnote-ref-2)