

2023 On-Line Forum

Indigenous Commerce, Culture and Law in the Asia-Pacific (May/June 2023) Call for Papers

We are pleased to invite participants in the 2023 On-Line Forum “Indigenous Business: Culture, Law and Commerce in the Asia-Pacific”

This Forum seeks to investigate the complexities of undertaking business and economic development for Indigenous Peoples. These economic self-determinative activities are an increasingly important aspect of Indigenous governance, as the sustainable creation of wealth and jobs for indigenous communities and youth is one of the challenges that indigenous peoples struggle to protect their culture. It will examine issues involving Indigenous business enterprises and their relationships to Indigenous groups, their traditional lands, sustainable development, the owing/hosting Indigenous community they are part of, the larger society and Indigenous self-determination frameworks in different contexts and national legislations. Indigenous economic activity and business governance, based on state law and regulation, customary law and/or a combination of the two systems blends Indigenous knowledge systems, customary law, constitutional law, and western management practices. Presently Indigenous groups own commercial enterprises that are engaged in tourism, mining, business management, gaming, forestry and logging, agriculture and education among other activities. All these activities are used to restore Indigenous self-determination and the financial health of the indigenous communities who look to operate them in a sustainable manner that are consistent with their customary law and knowledge systems. The Forum will attempt to formulate and contribute with some generalised principles and/or institutional innovations and frameworks by which Indigenous commercial enterprises and Indigenous minority groups can together recognise and entrench various approaches to sustainable business and commercial relationships.

The Online Forum builds on the 2022 4-part Series “*Natural Resource Policy, Culture and Law: Land and Water Governance and Minority peoples in the Asia-Pacific*” and the 2020 Series 10-part Webinar Series: “*Indigenous Peoples, Heritage and Landscape in the Asia Pacific*” undertaken by the Science and Technology Innovation Center for Taiwan-Philippines Indigenous Knowledge, Local Knowledge, and Sustainable Studies (CTPILS), National Chengchi University, Taiwan; UCLA Department of Anthropology, USA; UCLA Center for Southeast Asian Studies; UCLA Asia Pacific Center; University of New England (Australia) First Peoples First Peoples Rights and Law Centre (FPRLC) and UNE Agricultural Law Centre, The Great Lakes Indian Law Centre at the University of Wisconsin – Madison Law School; Auckland University of Technology Centre for Indigenous Rights and Law (AUT), the University of Toyama, Toyama, Japan, and Northwestern University-Buffett Institute for Global Affairs.

The organizing committee does not require a paper/essay to be a participant as a speaker. Given sufficient interest, an edited volume of proceedings may be submitted to publication. Honorariums will be provided.

Please submit an abstract of your topic with your affiliation to Associate Professor Guy Charlton (gcharlt3@une.edu.au) or Professor Stephen Acabado (acabado@ucla.edu) by April 16, 2023.

Consideration will be given to Graduate Students in the area to have an opportunity to present and publish their research.

Session Topics

1) Being Indigenous and Being in Business [May 17/16 North America (NA)]

This session involves a discussion of what it is to be indigenous and to be engaged in commercial activities, and how Indigenous knowledge systems and traditional laws affect commercial activities. The importance of indigenous values and use of Indigenous forms or organisation have often underpinned Indigenous business and have been the basis for the establishment of unique forms of business enterprises. Both international instruments and national laws have identified the importance of Indigenous knowledge systems, as well as law and culture, as basis for self-determination and development. At the same time, these knowledge systems and law frameworks interact with state commercial and business law and Western management practices. This session will explore what it means to be indigenous in a commercial environment and use of Indigenous knowledge systems and law and how an indigenous perspective has been used to address particular shortcomings and enhance the effectiveness in Indigenous business.

2) The Right of Development as it relates to Indigenous Peoples [May 24/23 NA]

The recognition of Indigenous rights to use land, implicates the right to development and the commercial use of natural resources for various Indigenous groups. In many instances, state policy makers have recognised the use of various resources across traditional lands only for subsistence and personal uses. In other circumstances, the recognised Indigenous right carries with it the right of commercial exploitation of the resource. This session discusses the meaning of the Right to Development and the issues involving the access, exploitation, and commercial use of indigenous natural resources, including intellectual property and benefit sharing mechanisms, and the protection of Indigenous knowledge systems across Indigenous traditional territories and communities. It focuses also on the tension between “traditional” understandings of the use of Indigenous natural resources held by many sectors in the dominant society, as well as within Indigenous groups that adopted more western mainstream understandings of commercial activity and private property.

3) The Institutions and Forms of Indigenous Business Activity in State Law: Over-Regulations, stereotypes and the incompatibility of state business law [May 31/30 NA]

There are numerous varied examples of business forms that have been used by Indigenous groups across the world. Many of these business entities have been established and are structured with little input or concern for Indigenous interests and sensibilities. This can be problematic as the success of these business entities is tied to Indigenous self-determination and Indigenous groups rely upon these entities and operations to provide opportunities, funds and jobs to their communities. This session explores the business forms that have been used and that may be used by Indigenous groups to engage in commercial

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activities. These arrangements can be complicated as Indigenous groups seek to undertake business activities in a manner consistent with customary law and local and traditional knowledge systems while these entities engage in the wider non-Indigenous market. This session critically investigates and discusses various approaches different groups and state actors have taken to establish business entities that are compatible with Indigenous sensibilities and self-determination.

4) International Indigenous Trade: Challenges, Opportunities and Self-Determination [June 7/6 NA]

This session discusses the opportunities and meaning international trade may provide indigenous groups. Over the past several years, different states have inserted indigenous trade clauses in international trade agreements negotiated with other states. These provisions provide opportunities for indigenous groups to benefit from various provisions in the agreements or exemption areas of particular concern or protection the groups may have in domestic law that may be adversely impacted by free trade agreements. For example, The 2022 Aotearoa/New Zealand – United Kingdom Free Trade Agreement contains a set of outcomes for Māori and recognises the importance that Māori have placed in the Agreement, including through the unique relationship with the British Crown has with Māori as an original signatory to Te Tiriti o Waitangi/the Treaty of Waitangi. This session explores the legal and economic challenges and opportunities international trade provisions have for Indigenous groups.