

Submission to the Department of Foreign Affairs and Trade (DFAT)

**Improved Utilisation, Upgrade and
Modernisation of Australia's Network
of Free Trade Agreements**

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First Nations Projects Institute (FNPI) welcomes the opportunity to contribute to the Department of Foreign Affairs and Trade's (DFAT) consultation on the utilisation, upgrade and modernisation of Australia's Free Trade Agreements (FTAs).

FNPI is a not-for-profit organisation dedicated to advancing the economic, social, cultural, and environmental aspirations of First Nations people in Australia. Our work focuses on First Nations economic empowerment, systems innovation and reform and initiatives that elevate strong women to build strong futures for their communities.

This submission responds specifically to DFAT's call for views on the following agreements:

Bilateral agreements:

- Singapore–Australia Free Trade Agreement (SAFTA)
- Malaysia–Australia Free Trade Agreement (MAFTA)
- Thailand–Australia Free Trade Agreement (TAFTA)
- Indonesia–Australia Comprehensive Economic Partnership Agreement (IA-CEPA)

Regional and plurilateral agreements:

- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
- Regional Comprehensive Economic Partnership (RCEP)
- ASEAN–Australia–New Zealand Free Trade Area (AANZFTA)

First Nations peoples have a **60,000+ year history of international trade, diplomacy and exchange with peoples in Southeast Asia**. Prior to colonisation, Aboriginal nations -particularly across Northern Australia - maintained sophisticated maritime trade routes with the Makassan traders from what is now Indonesia, as well as with communities in Timor-Leste, Papua and other parts of the region. These exchanges involved trepang, pearls, canoes, iron tools, ceremonial knowledge, navigational expertise and complex cultural protocols.

This history demonstrates that First Nations peoples were **Australia's first diplomats, first exporters and first international economic partners**. Today's FTA architecture provides a once-in-a-generation opportunity to **re-establish, modernise and expand these longstanding regional relationships**, enabling First Nations businesses to participate meaningfully in two-way trade, regional supply chains, cultural exchange and investment.

Yet, despite the depth of this history, Australia's existing FTAs do not reflect First Nations economic rights, cultural protections or the unique market potential of First Nations enterprises. Comparable jurisdictions - such as Canada and New Zealand - have advanced further by embedding explicit First Nations provisions, protections and economic mechanisms within their FTAs.

This submission outlines opportunities to modernise Australia's FTAs to better support First Nations businesses to import, export, invest and participate in regional economic growth. A modernised FTA framework provides an opportunity to **re-establish and formalise these ancient regional ties**, leveraging Darwin and northern Australia as a natural hub for First Nations-led trade with Southeast Asia. It also identifies opportunities for improved Indigenous cultural and intellectual Property (ICIP) protection, market access, mobility arrangements, data-sharing, import tax deductions for First Nations businesses, benefit-sharing mechanisms, and a First Nations Export Hub in Darwin.

1. Summary of Recommendations

FNPI recommends that DFAT incorporate the following measures into future FTA upgrades and negotiations:

1. Recognition, Cultural Protections and Data Transparency

- Explicit recognition of First Nations peoples in all FTAs.
- Binding Indigenous Cultural and Intellectual Property (ICIP) protections, including misuse penalties, First Nations-led certification systems and geographical indications.
- First Nations-specific data commitments: anonymised customs data, a First Nations trade dataset and First Nations focal points in trade statistics agencies.

2. Benefit-Sharing Alignment

- Embed First Nations benefit-sharing provisions in FTA cooperation chapters.
- Ensure First Nations representation on FTA committees and review bodies.
- Co-designed mechanisms for First Nations participation in investment, supply chains and major project development.

3. Market Access and Export Support

- FTA-linked market access programs tailored for First Nations exporters.
- Measures to reduce non-tariff barriers impacting First Nations goods and services.
- Export readiness, branding, export finance and simplified documentation for Indigenous SMEs.

4. Supply Chains and Regional Partnerships

- A coordinated supply-chain matching mechanism linking Southeast Asian buyers with First Nations producers.
- Support for First Nations participation in priority regional sectors (green economy, agrifood, digital services, cultural industries, tourism).
- Indigenous-to-Indigenous trade missions, dialogues and regional cooperation forums.

5. Mobility and People Movement

- Dedicated First Nations mobility provisions, including priority visas, short-term movement pathways and reciprocal mobility agreements with key Southeast Asian partners.

6. Institutional Infrastructure

- Establish a First Nations Export & Trade Hub in Darwin as Australia's northern gateway for First Nations-led regional trade.

7. Reducing Cost Barriers

- Import duty deductions and tariff relief for First Nations businesses facing high logistics and compliance costs.
- Support for First Nations manufacturers that rely on imported inputs.
- Incentives for First Nations import-to-re-export supply chains.

2. Opportunities for Improving Trade with Southeast Asia

3.1 Market Opportunities

Southeast Asian economies are undergoing rapid economic transformation, urbanisation and climate adaptation planning - creating significant demand for the kinds of knowledge, products and services that First Nations Australian businesses specialise in. Across the region, governments, corporates and development partners are increasingly seeking expertise and goods that are ethical, sustainable, culturally grounded and environmentally responsible.

There is strong and growing demand for:

- **Climate adaptation and environmental management services**, including fire management, biodiversity monitoring, carbon projects and land/sea management approaches informed by Indigenous knowledge.
- **First Nations agrifood, botanicals, bushfoods and medicinal products**, driven by expanding nutraceutical, wellness and premium food markets.
- **Ethical and sustainable tourism experiences**, including cultural tourism, on-Country learning, storytelling and heritage-based travel products.
- **Cultural products, design and creative industries**, reflecting strong regional interest in authentic First Nations art, design, fashion and digital creative content.
- **Social licence and community engagement advisory services**, as Southeast Asian economies increasingly seek culturally sensitive approaches to resource development, infrastructure and land use.
- **First Nations-led ESG and sustainability consulting**, aligned with global investor expectations and emerging green economy standards.
- **Renewable energy and green economy partnerships**, where Indigenous Australian knowledge of land, water and environment offers unique insights for project development and regional collaboration.

First Nations businesses have unique strengths in these areas, particularly through culturally grounded land and sea management, sustainable agriculture practices, and community-led service delivery.

3.2 Gaps and Barriers

Despite strong market alignment, First Nations businesses face several structural barriers that limit their ability to access and scale within Southeast Asian markets. These include limited access to clear market information, high transport and logistics costs for remote communities, a lack of FTA mechanisms tailored to First Nations SMEs, weak overseas IP and ICIP protections, restrictive mobility pathways, limited access to trade finance, and no tariff or import-duty relief for businesses reliant on imported goods.

Modernising Australia's FTAs provides a practical way to address these barriers by strengthening protections, reducing costs, improving mobility and creating fairer, more accessible pathways for First Nations businesses to engage in regional trade.

3. Recognition, Cultural Protections and Data Transparency

4.1 Indigenous Cultural and Intellectual Property (ICIP)

FNPI strongly recommends that Australia incorporate binding, enforceable ICIP protections into all future FTAs. These protections are essential to safeguard First Nations cultural heritage, prevent exploitation, and ensure that First Nations peoples directly benefit from the commercial use of their knowledge, designs and cultural expressions.

ICIP measures should include:

- **Formal legal recognition** of Indigenous cultural heritage, including traditional arts, designs, symbols, languages, stories, and ceremonial knowledge.
- **Prohibitions on unauthorised commercial use** of Indigenous cultural expressions, ensuring that companies cannot reproduce, copy, or exploit cultural material without consent.
- **Strong, enforceable penalties** for cultural appropriation or misuse within partner countries, supported by agreed dispute resolution and enforcement pathways.
- **Certification or trademark systems** to protect authentic First Nations goods, like “Māori Made” in New Zealand, enabling consumers and foreign markets to identify genuine products.
- **Recognition of First Nations-led geographical indications** for native foods, botanicals and cultural products (e.g., Kakadu plum, bush honey), protecting them from international imitation; and
- **Collaborative monitoring and enforcement mechanisms** to ensure partner countries uphold ICIP commitments throughout the life of the agreement.

4.2 Using Data to Create Transparency

In addition to cultural protections, FTAs should also embed data and transparency provisions that support First Nations economic participation.

FTAs should commit to:

- **Sharing anonymised customs, trade and market data** relevant to First Nations exporters, enabling better market insights.
- **Creating a First Nations trade dataset** within DFAT and partner countries to track FTA utilisation by First Nations businesses; and
- **Establishing First Nations focal points** within trade statistics and customs authorities to support accurate data collection, analysis and reporting.

These data provisions will strengthen evidence-based policy, improve export planning, and enable governments and First Nations organisations to track progress and identify emerging opportunities.

International models show that embedding cultural and economic protections is not only achievable but highly effective. Embedding ICIP protections - and the supporting data and transparency measures - within FTAs will give First Nations creators, businesses and communities confidence to participate in international trade, knowing their cultural heritage and economic interests are protected, valued and properly managed.

4. Benefit-Sharing Alignment

Australia should embed First Nations benefit-sharing expectations into the cooperation chapters of all Free Trade Agreements to ensure First Nations peoples participate equitably in trade and investment opportunities. Embedding these expectations would help transform FTAs from purely commercial instruments into tools that deliver cultural, social and economic value for First Nations communities.

Key benefit-sharing measures could include:

- **Formal involvement of First Nations representatives** in bilateral and regional trade dialogues, ensuring First Nations perspectives are considered during negotiation, implementation and ongoing cooperation.
- **Inclusion of First Nations experts on FTA committees, governance bodies and review mechanisms**, providing cultural, legal and economic expertise throughout the life of the agreement.
- **Ethical sourcing and responsible supply chain commitments**, requiring businesses in partner countries to source First Nations goods, services or knowledge in ways that respect cultural rights and deliver fair returns.
- **First Nations procurement pilots with Southeast Asian governments and major corporates**, creating real market access pathways and demonstrating the viability of First Nations-led trade partnerships.
- **Co-designed models for First Nations participation** in investment, regional value chains, major project development and cross-border collaboration, ensuring First Nations peoples are partners rather than observers.
- **Benefit-sharing provisions for the use of Indigenous cultural knowledge, native foods, land management practices or environmental expertise**, ensuring communities receive fair economic returns.

These measures give practical effect to global Indigenous rights standards, including Free, Prior and Informed Consent (FPIC), the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and emerging best practice from countries such as Canada and New Zealand.

Embedding benefit-sharing expectations into FTAs will help ensure that First Nations peoples are not just included in Australia's trade relationships with Southeast Asia - but are positioned as genuine partners driving sustainable, culturally grounded economic development across the region.

5. Market Access and Export Support

DFAT should implement a suite of FTA-linked initiatives designed specifically to grow and sustain First Nations exporters. These initiatives should be embedded within cooperation chapters of future agreements to ensure they have clear mandates, funding pathways and measurable outcomes.

Priority actions include:

- **Tailored export readiness and market-entry programs**, delivered through Austrade and in partnership with First Nations organisations, to help First Nations businesses understand market requirements, navigate regulations, and build the capabilities needed to succeed in Southeast Asian markets.
- **Joint branding and promotional activities** that showcase authentic First Nations products and services in regional markets, including co-branded campaigns, cultural showcases, trade delegations and in-market activation events.
- **Preferential or dedicated access to export finance and guarantees** through agencies such as Export Finance Australia (EFA), enabling First Nations SMEs to secure capital for scaling, production, freight, and international expansion.
- **Collaborative research and innovation programs** with Southeast Asian partners focused on areas such as sustainable agriculture, regenerative land and sea management, green technologies, cultural industries and digital trade.
- **Simplified and streamlined export documentation processes** for certified First Nations enterprises, reducing administrative burden, improving compliance, and making it easier for First Nations businesses - especially from remote regions - to enter international markets.

Together, these initiatives would create a practical, supportive ecosystem for First Nations businesses and exporters. They would not only reduce barriers to entry but also help build the long-term capabilities, partnerships and market visibility required for First Nations businesses to thrive in Southeast Asian trade.

6. Supply Chain and Regional Partnerships

First Nations businesses possess a range of unique and culturally grounded capabilities that align closely with the emerging needs of Southeast Asian economies. These strengths are rooted in thousands of years of sustainable land stewardship, community governance, and deep cultural knowledge, making First Nations enterprises highly competitive in markets that increasingly value ethical, regenerative and socially responsible products and services.

First Nations strengths include:

- **Carbon, biodiversity and environmental services**, drawing on world-leading and culturally grounded land and sea management practices.
- **Cultural tourism and creative industries**, including authentic experiences, storytelling, design and arts.
- **Agrifood, fisheries, native botanicals and bush medicine**, offering premium, traceable, ethically sourced products.
- **Social impact advisory, cultural governance and community engagement expertise**, which are critical for achieving social licence.
- **Green economy and climate adaptation solutions**, informed by Indigenous knowledge systems and on-Country sustainability practices.

Southeast Asian markets, in turn, are seeking:

- **Sustainable agriculture and regenerative production expertise**
- **High-quality agrifood, natural products and nutraceuticals (i.e. vitamins and minerals)** with verifiable origins.
- **Green transition and environmental technologies**.
- **Cultural exchange-based tourism**, particularly experiences rooted in authenticity and heritage.
- **ESG, social licence and ethical governance advisory services**.

This strong overlap demonstrates a clear and immediate opportunity to position First Nations Australian businesses as trusted providers and partners in regional value chains.

To unlock this potential, a **coordinated supply-chain matching mechanism** (e.g. online platform) should be embedded within the economic cooperation chapters of AANZFTA, IA-CEPA for any future FTAs. This mechanism would:

- Link Southeast Asian buyers with First Nations producers and service providers
- Identify specific industry needs and match them to Indigenous capabilities
- Facilitate joint ventures, partnerships and investment opportunities
- Strengthen regional cooperation in sustainable and ethical markets

Embedding this mechanism into FTAs would ensure First Nations businesses are not just participating in regional trade - but are actively shaping and leading new, future-focused economic opportunities across Southeast Asia.

Strengthening Indigenous-to-Indigenous Trade

Strengthening Indigenous-to-Indigenous (I2I) trade relationships across the Indo-Pacific presents a major opportunity for Australia to revitalise ancient regional ties, deepen economic diplomacy, and position First Nations peoples as central actors in Australia's trade engagement with Southeast Asia.

Indigenous-to-Indigenous Trade Missions

Structured delegations that connect First Nations entrepreneurs, cultural practitioners, agrifood producers, creative industries and environmental service providers with First Nations and local communities across Indonesia, Malaysia, Singapore, Thailand, the Philippines and other Southeast Asian nations.

These missions would develop direct commercial pathways, strengthen cultural diplomacy and enhance regional people-to-people links.

First Nations Economic Dialogues within FTA Cooperation Chapters

These annual or biannual dialogues would focus on key issues such as market opportunities, regulatory and customs barriers, Indigenous procurement models, ICIP protection, climate adaptation partnerships and broader sustainable economic development. Together, they would create a formal mechanism for First Nations participation in the implementation and monitoring of Australia's FTAs.

Regional First Nations Economic Cooperation Forums

Establish an Indo-Pacific Indigenous Economic Cooperation Forum to:

- promote First Nations leadership in regional trade
- share best practice across cultural industries, the green economy, and land/sea management
- support youth entrepreneurship and women-led First Nations businesses
- identify opportunities for collaborative innovation and cross-border ventures

First Nations-Focused Partnerships with Regional Institutions

The establishment of an Indo-Pacific Indigenous Economic Cooperation Forum would promote First Nations leadership in regional trade, facilitate the sharing of best practice across cultural industries, the green economy and land and sea management, support youth entrepreneurship and women-led First Nations businesses, and identify opportunities for collaborative innovation and cross-border ventures.

Joint First Nations-Led Projects and Supply Chain Partnerships

These initiatives could include co-designed cultural tourism offerings, shared sustainable agriculture projects, joint botanicals and agrifood ventures, environmental services collaborations, and ESG or social-licence advisory partnerships. Together, they would enable First Nations businesses to embed themselves within regional value chains in a culturally grounded and economically meaningful way.

Why this Matters

Indigenous-to-Indigenous trade is more than an economic opportunity - it strengthens cultural ties, advances Australia's soft-power presence in the Indo-Pacific, and positions First Nations peoples as diplomatic, cultural and economic leaders within regional engagement.

Embedding I2I missions and cooperation mechanisms within FTAs ensures:

- sustainable funding
- long-term regional partnerships
- formal recognition of Indigenous leadership
- and a clear, enduring role for First Nations businesses in shaping Australia's trade future

These initiatives would help rebuild ancient trade relationships, support regional stability, and drive inclusive growth across the Indo-Pacific.

7. Mobility and People Movement

Free Trade Agreements should incorporate dedicated mobility provisions that make it easier for First Nations people to participate directly in regional trade, cultural exchange and service delivery. Mobility challenges are one of the most significant barriers facing First Nations businesses, particularly those working in consulting, arts, cultural tourism, environmental management and other services that require physical presence in overseas markets.

To address this, FTAs should consider:

- **Priority business mobility visas** for Australian businesses, consultants, artists, entrepreneurs and environmental experts, enabling them to travel quickly and efficiently for trade, collaboration, project delivery and cultural engagement.
- **Quota-free, short-term movement arrangements** for First Nations-led service firms -such as advisory practices, creative agencies, cultural tourism operators and environmental management teams - so they can respond to opportunities without administrative delays.
- **Reciprocal mobility pathways** with key Southeast Asian partners, including Indonesia, Malaysia, Singapore and Thailand, enabling two-way movement for Indigenous-to-Indigenous exchanges, capacity building, cultural collaborations and joint commercial initiatives.

These mobility measures are not new ideas- they reflect the long-established patterns of movement between First Nations peoples and their Southeast Asian neighbours. For centuries, First Nations communities in northern Australia travelled, traded and exchanged knowledge with the region through deep maritime and cultural relationships. Embedding these pathways into FTAs would honour that history while creating modern mechanisms for First Nations businesses to engage confidently, competitively and culturally safely in regional trade.

8. Institutional Infrastructure

FNPI proposes the creation of a First Nations Export & Trade Hub in Darwin, supported through the cooperation chapters of Australia's Free Trade Agreements. This proposal aligns strongly with the direction and priorities identified in the *Northern Territory Aboriginal Business Export Strategy 2022–2025*, which highlights the need for improved coordination, market access, skills development, and national support systems to empower First Nations exporters.

The hub would:

- **Act as Australia's northern gateway for First Nations-led trade with Southeast Asia**, providing a central point of coordination for cross-border opportunities.
- **Provide export advisory services, market intelligence and technical assistance** to help First Nations businesses navigate market requirements.
- **Host Indigenous-to-Indigenous and business-to-business trade missions** to deepen commercial and cultural partnerships across the region.
- **Support cultural tourism and creative industry partnerships**, strengthening authentic offerings in key growth sectors.
- **Coordinate freight, logistics and supply-chain solutions** to address the high costs and complexity faced by many remote First Nations businesses.
- **Provide accredited capability training and export certification** to prepare First Nations enterprises for international market entry.
- **Connect First Nations suppliers to regional buyers**, creating structured pathways into Southeast Asian markets.

Why Darwin?

The *NT Aboriginal Business Export Strategy* emphasises that Darwin is uniquely positioned as Australia's front door to Southeast Asia:

- It is within five hours of major Asian markets.
- It benefits from existing international transport infrastructure.
- It holds long-standing cultural and trading connections rooted in 65,000 years of First Nations exchange across the region.

These advantages make Darwin the natural location for a national-level export hub dedicated to First Nations enterprises.

Strategic Alignment

The Export & Trade Hub directly supports the NT Government Strategy's broader goals of strengthening First Nations participation in international markets, enabling structured export pathways, and creating long-term, sustainable economic outcomes grounded in cultural authority and regional partnerships.

Embedding the hub within FTA cooperation mechanisms ensures it is sustainably resourced, nationally aligned, and positioned to play a central role in Australia's economic engagement with Southeast Asia.

9. Reducing Cost Barriers

To improve access to global supply chains and strengthen the international competitiveness of First Nations enterprises, DFAT should consider a suite of targeted trade and tariff mechanisms - supported through Australia's FTAs - that reduce cost barriers and enable First Nations businesses to participate more fully in regional and global markets.

These mechanisms should include:

- **Import duty deductions or partial exemptions for certified First Nations businesses**, lowering the cost of essential inputs and reducing the financial burden on enterprises operating from remote, regional or northern locations.
- **Targeted support for First Nations manufacturers importing raw materials**, ensuring that value-added production - such as bushfoods, botanicals, cultural products, apparel or sustainable goods - remains commercially viable in export markets.
- **Incentives for First Nations import-to-reexport supply chains**, enabling First Nations businesses to import specialised equipment, components or materials, conduct value addition or cultural transformation, and then re-export under preferential arrangements.
- **Tariff relief for First Nations creative, agrifood and retail sectors**, which face disproportionately high logistics and compliance costs when importing materials or exporting finished products. This is due to higher freight and transport costs if operating outside of major cities, small-scale production leading to higher per-unit costs, higher compliance burden (for creative, agrifood or natural products), limited access to finance and digital infrastructure, and additional IP protection fees.

These measures mirror the kinds of economic incentives used in other jurisdictions, such as those implemented in Canada for on-reserve and First Nations-owned enterprises, which reduce financial barriers, stimulate market activity and enable First Nations communities to participate meaningfully in domestic and international trade.

Introducing similar mechanisms in Australia would:

- Increase the competitiveness of First Nations businesses entering Southeast Asian markets.
- Support long-term business viability in priority export sectors.
- Reduce structural cost disadvantages for remote and regional First Nations enterprises.
- Enable greater participation in regional value chains, including in the agrifood, cultural, environmental and creative industries.
- Strengthen Australia's ability to meet its trade diversification goals through First Nations-led economic development.

Overall, FTA-supported tariff and duty mechanisms would act as a powerful enabler for First Nations economic growth, unlocking new export pathways and ensuring First Nations businesses are positioned to lead in emerging regional supply chains.

10. Conclusion

Modernising Australia's Free Trade Agreements offers a rare opportunity to reshape Australia's economic engagement with Southeast Asia in a way that reflects both our ancient past and our shared regional future. First Nations peoples were Australia's first international traders, navigators and diplomats, maintaining sophisticated exchange networks across the Indo-Pacific for tens of thousands of years. Today, FTAs can serve as modern vehicles to renew, strengthen and expand these longstanding regional relationships.

Embedding First Nations rights, protections and economic participation into Australia's FTA architecture is not symbolic - it is a practical, economically sound and internationally aligned policy direction. Countries such as Canada and New Zealand have already adopted First Nations-inclusive trade frameworks that recognise cultural authority, protect Indigenous intellectual property and support First Nations-led economic development. Australia must take similar steps to remain competitive, credible and consistent with emerging global standards.

By strengthening ICIP protections, improving market access, reducing cost barriers, modernising mobility pathways, enabling Indigenous-to-Indigenous trade partnerships and establishing institutions such as a First Nations Export Hub in Darwin, the Australian Government can unlock significant new economic activity. These measures will support First Nations businesses to grow, export and innovate, while also diversifying Australia's trade profile, deepening regional cooperation and enhancing Australia's soft power across Southeast Asia.

The economic case is clear: First Nations enterprises bring unique advantages - cultural knowledge, sustainable land and sea management, premium native products, community legitimacy and emerging leadership in ESG, green economy and climate adaptation sectors. These capabilities align directly with Southeast Asia's demand for ethical, sustainable and culturally grounded products and services.

The strategic case is equally strong: elevating First Nations participation strengthens Australia's Indo-Pacific engagement, builds trust-based partnerships and positions First Nations peoples as central actors in shaping Australia's trade future.

FNPI encourages the Australian Government to recognise First Nations businesses and communities as integral partners in Australia's trade and investment agenda - not as participants on the margins, but as leaders, innovators and nation-builders.

By embedding First Nations priorities within Australia's modernised FTAs, the Government can deliver a trade system that is fairer, more competitive and more sustainable. With the right policy choices, First Nations-led trade can become a defining strength of Australia's regional engagement - driving inclusive economic growth, strengthening cultural diplomacy and supporting a more prosperous shared future across the Indo-Pacific.

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