

# Indigenous Knowledge Forum 2019

## ABSTRACTS AND BIOGRAPHICAL INFORMATION



### ABSTRACTS

#### Keynote Speakers

Professor **Chidi Oguamanam**, Faculty of Law, University of Ottawa

#### **The Geopolitics of Capacity Building and Capacity Development: A South-North Community-to-Community Approach to ABS and Traditional Knowledge**

This keynote draws inspiration from the partnership between the [Maritime Aboriginal Peoples Council of Canada](#) and [ABS Canada](#) in a [three-year research partnership](#) that explored Aboriginal sensitive Access and Benefit Sharing for Canada. It postulates that the ABS regime pursuant to Nagoya Protocol poses a welcome challenge to develop and improve on Indigenous governance frameworks on ABS as a specialist subject matter. However, in order to fully respond to Nagoya and other emerging regimes that place a demand on various aspects of Indigenous self-determination and self-governance, there is need to further interrogate the global geo-politics of capacity building and capacity development. The idea is to probe the conventional North to South traffic of capacity building and capacity development which has served the stereotypical matrix of top-down development in which Indigenous People are cast as docile recipients of western development paradigms. Not only does that approach undercut the decolonization project, it undermines the ability of world's Indigenous Peoples and their local community counterparts elsewhere to forge constructive partnerships and share experiences on fundamental and emerging development challenges. As Indigenous Peoples respond to Nagoya-inspired ABS regime, we have an opportune moment to critically revisit the twin subject of capacity building and capacity development in purposive direction toward culturally sensitive development pathways for decolonization. I call attention to ongoing the community-to-community outreach on ABS and TK and its potential.

Associate Professor **Trevor Reed**, Sandra Day O'Connor College of Law, Arizona State University (USA)

#### **Mapping Sonic Authority: Questions of Ontology and Sovereignty in the Indigenous IP Project**

How does one locate authority in communities where no centralized authority exists for traditional knowledge? In this paper, I discuss initial efforts of the Indigenous IP Project to

map the ownership and circulation of indigenous song-knowledge in Hopi and other Indigenous communities in the present-day Southwestern United States. While some communities conceptualize their sovereignty over intangible cultural resources as totalizing and absolute, others conceptualize that authority as relational or network driven, or even hybrids of both. Based on over eight years of community-partnered research involving ceremonial song repatriation, I propose that efforts to locate Indigenous authorities that own or circulate knowledge materials might begin by focusing more on the ontological nature of the material in question and the relations or obligations encompassed by it, rather than seeking out individuals, processes, or protocols that hold or generate authority over those materials. I suggest that one way to identify and understand this kind of networked authority is to carry out the return of knowledge materials and other resources back into Indigenous networks through repatriation.

**John Scott**, Secretariat of the UN Convention on Biological Diversity, Montreal

### **Report on the Achievements to Date on Traditional Knowledge and the Nagoya Protocol**

Mr Scott will present an update on current developments and achievements in regard to the CBD, traditional knowledge, and the Nagoya Protocol.

### **Other Speakers**

Dr **Lida Ayoubi**, *Auckland University of technology (AUT), Law School*

### **Intellectual Property Commercialisation by New Zealand Universities and Protection of Mātauranga Māori**

Universities account for around 28% of research and development (R&D) expenditure in New Zealand (NZ). Commercialisation of that R&D generates more than \$500 million annually amounting to about 15% of total university income. Such innovation often results in an output that attracts intellectual property (IP) protection as part of the commercialisation process. Each university has an IP policy that addresses the different aspects of commercialisation such as ownership, profit sharing, licensing and so on.

Some of the research and innovation that academics and students engage with in NZ universities may have its origins in mātauranga Māori (Māori traditional knowledge). It is now commonly known that the traditional knowledge of indigenous peoples is ineffectively protected across the globe. Mātauranga Māori is no exception. One of the ways in which mātauranga Māori is often misappropriated is through protection of intellectual property rights. The Western IP system creates and grants private property rights to intellectual creations of individuals that meet the criteria established by the law. The mismatch between the requirements of IP law (such as novelty, individual authorship and ownership, limited term of protection) and characteristics of mātauranga Māori leaves Māori knowledge open to misappropriation either directly or in relation to innovation derived from such knowledge. This paper explores the treatment of mātauranga Māori in the process of commercialising intellectual property at New Zealand universities. Obligations of universities that give rise to the need for consideration of Māori self-determination and involvement of a competent authority are discussed. Accordingly, the paper analyses the different competent authorities, or lack thereof, at eight New Zealand universities and their approaches to safeguarding the rights and interests of Māori in their mātauranga in the IP commercialisation process.

Associate Professor **Gawaian Bodkin-Andrews, Shannon Foster**, *Centre for the Advancement of Indigenous Knowledges, University of Technology Sydney*.

**Aunt Frances Bodkin, Uncle Gavin Andrews, Uncle John Foster, D'harawal Elders Brownwyn Carlson**, *Department of Indigenous Studies, Macquarie University*

### **The Seven Peace Keepers: Listening, Living, Fighting, and Healing through D'harawal Storytelling**

Worldwide, Indigenous Storytelling and Storywork is becoming increasingly recognised as an effective tool for research, teaching, and critical inquiry (Archibald, 2009; Martin, 2008; Todd, 2018). An expanding base of Indigenous-led research has emerged to reveal a diversity of storytelling practices that have been recognised as effective tools for not only resisting dominant and oppressive colonial narratives, but also assisting in the transmission of traditional and contemporary Indigenous Knowledges and values that have been linked to stronger educational, social, health, and mental health outcomes (Lester-Smith, 2013; Linklater, 2014; Wexler, White, & Trainor, 2015). Such research effectively highlights the power of Indigenous Storytelling to not only teach, but to heal individuals and communities. Sadly, within the Australian context, many Aboriginal and Torres Strait Islander Ancestral (Dreaming) Stories have been appropriated, minimised, and dismissed as mere child-like fables and myths, as non-Indigenous 'authors' have knowingly and unknowingly erased the multiple layers of meaning deeply embedded within them (Bodkin, 2013). This presentation will attempt to move beyond the tainted lens of colonial hegemony and its methods of 'evidence creation', and instead engage with the D'harawal Ancestral Story of the seven Yandel'mawa (peacekeepers) and their leader, the Yandel'bana (peacemaker). Through exploring the layers of meaning embedded within this story, links will be made with contemporary Indigenous research that has meaningfully engaged with Indigenous protocols, ethics, guidelines, and Indigenous ways of knowing, being, and doing. By weaving lessons from our D'harawal Ancestral Stories with contemporary narratives of Indigenous survival, resistance, and protection, a series of principles will be revealed to contribute to a more meaningful engagement with Indigenous Storytelling

Andrea **Buitrago-Carranza**, *McGill University, Faculty of Law*

### **Aboriginal Peoples' Right to Self-Governance under International Human Rights Law: Justifying the Protection of Aboriginal Knowledge in Canada**

In Canada Aboriginal rights are protected and recognized under section 35(1) of the *Constitution Act*, 1982. These rights are limited in scope, community-specific, dependent upon the *Van der Peet* "distinctive culture" test adopted in 1996 by the Supreme Court of Canada (SCC), and potentially extinguishable by clauses in modern treaties such as 2.1 of the *James Bay and Northern Quebec Agreement*. Such framework does not guarantee the protection of Aboriginal knowledge under the Constitution of Canada.

In contrast, international human rights law provides a broader scope for several Aboriginal rights, including the right to self-governance which can include the protection of Aboriginal knowledge. Human rights are inalienable, derived from human dignity, and incapable of extinguishment. However, in this context, several scholars have argued that the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) can be used only as a tool in statutory and constitutional interpretation. This view derives from three main limitations: firstly, Canada's dual approach to international law and the doctrine of unimplemented treaties, as explained in *Baker* by the SCC; secondly, the soft-law nature of

UNDRIP; and thirdly, the existing legal framework under Canadian common law. As a result, no consideration has been given to the existence of an independent right to self-government based exclusively on the rights of Aboriginal peoples under international legal instruments. This paper argues that it is possible to claim a right to the protection of Aboriginal knowledge in Canada, independent from sec. 35(1), which derives from the right to self-governance protected under international human rights law. In this regard, this paper explores the justification of an independent right to self-government under UNDRIP, in connection with three main international instruments that protect the right to self-determination of peoples, and which have been ratified by Canada. These are the 1945 *Charter of the United Nations* and both *International Covenants* of 1966.

Associate Professor **Joanne Jamie**, Indigenous Bioresources Research Group, Faculty of Science and Engineering, Macquarie University, Sydney, NSW

**Deb Breckenridge**, Cultural Liaison Officer, Yaegl Community, Maclean, NSW

Associate Professor **Paul Prenzler**, School of Agricultural and Wine Sciences, Charles Sturt University, Wagga Wagga, NSW

Associate Professor **Subramanyam Vemulpad**, Indigenous Bioresources Research Group, Faculty of Science and Engineering, Macquarie University, Sydney, NSW

**Yaegl Aboriginal Elders**<sup>4</sup>

### **University-Community Research Collaborations: Achievements and Challenges**

Recognition of the significance of Australian Aboriginal and Torres Strait Islander knowledge and respect for the custodians of this knowledge is growing within Australia, especially due to the recent positive practices of incorporating examples of Indigenous knowledge and cultural practices into school curricula. Universities across Australia are also beginning to respectfully incorporate Indigenous knowledge throughout their study programs. Indeed, at Macquarie University, as part of the *Indigenous Connected Curriculum Framework*, by 2020 all programs of study will have embedded Indigenous knowledge and perspectives. This is an exciting time in seeing the rich cultural knowledge of Australian Aboriginal and Torres Strait Islander people embraced and has real potential for long-term benefits for Indigenous and non-Indigenous people. The Indigenous Bioresources Research Group (IBRG) of Macquarie University have been working since the early 2000's with Yaegl people of northern New South Wales, Australia, on documentation and scientific investigation of bush medicines. They have developed strong respectful relationships with the Elders and other members of their community, and together, have created capability strengthening and reciprocal benefit sharing avenues that have been immensely rewarding for everyone involved. It is, however, becoming increasingly challenging to initiate or continue research with Australian Aboriginal and Torres Strait Islander people, due to somewhat inflexible processes. This is disconcerting given that continuation of embedding Indigenous knowledge and perspectives into our education systems would benefit from strong Indigenous and non-Indigenous research collaborations. This presentation will provide some background on the achievements of the IBRG and the Yaegl community collaboration, the IBRG's recent challenges, and the potential wider implications of these challenges. It is hoped that discussions arising from this presentation will offer innovative solutions.

Dr **Michael Davis**, *Research Fellow, Garuwanga Project, University of Technology Sydney*

**Can Effective Indigenous Self-Determination be Achieved within the Nation-State?**

The *Nagoya Protocol* (Art 14) calls for State Parties to the CBD to provide a ‘national focal point’ and ‘national competent authority’ and also refers to ‘Relevant competent authorities of indigenous and local communities’ (14(3)(a)). The role of these bodies is to control, regulate, and make decisions in regard to what may be termed ‘biocultural rights’ – rights over natural and genetic resources and knowledge associated with these. In seeking to identify, and/or design appropriate models for a ‘competent authority’, in this paper I examine how Indigenous peoples’ governance of natural resources and traditional knowledge might be achieved in ways that enable the achievement of the right to self-determination. If we consider the idea of a ‘national competent authority’ as one that is formed from, by, or within the national political body, then by implication, this is already in tension with the concept of Indigenous self-determination, if this carries with it the right to exercise rights to manage, control and make decisions in regard to traditional knowledge and natural resources. The question that arises here is: can effective Indigenous self-determination be achieved within the nation-state? The former *Aboriginal and Torres Strait Islander Commission* (ATSIC), while far from ideal did provide to some extent for the rights of Indigenous peoples to self-determination. In this paper I draw on a decolonising, or anti-colonial paradigm, to explore some of the key questions around Indigenous governance, authority, decision-making, and customary laws and practices in regard to decisions concerning biocultural rights in knowledge and resources.

Dr Marie Geissler, *University of Wollongong*

### **The Agency of Arnhem Land Bark Painting in the Self Determination of Indigenous Australian Culture: Buku-Larrnggay Mulka Incorporated -Yirrkala Art Centre – Case Study of a Community Based, Indigenous-Controlled Competent Authority**

The community art centre of Buku-Larrnggay Mulka in the Yirrkala region of Eastern Arnhem Land, is an art centre that has operated as a Competent Authority since May 2008 when Buku-Larrnggay Mulka Incorporated was registered within the legislative framework of the Northern Territory of Australia.<sup>1</sup> As a Competent Authority, it governs the Aboriginal-owned and operated community-based art centre for the Yolŋu people of the Yirrkala region. Privileging the autonomy of the Yolŋu, two relatively autonomous systems, that of the European and that of the Indigenous, meet and interact to create a hybrid or transcultural form of issues management, in ways that are permeated with Yolŋu principles of traditional governance.

In the spirit of self-determination, which has informed many of the community’s initiatives, and which underpins the Constitution of the Buku-Larrnggay Mulka Art Centre today, the institution has been highly successful in furthering the economic independence of the Yolngu community in achieving significant financial returns to the community and the artists, empowering the culture and promoting Yolngu art in Australia and overseas in many different ways.

Importantly, through the implementation of the Indigenous-developed operational protocols of Buku-Larrnggay Mulka Art Centre, the Centre has been exemplary in ensuring the cultural control and security over the use of Yolngu sacred designs, and maintaining their political and intellectual sovereignty over their land and sea-based culture.

To contextualise the use of the Competent Authority in remote Indigenous communities, specifically that of Buku-Larrnggay Mulka, this paper will investigate several interconnected currents, the role of Arnhem Land bark painting in paving the way for Indigenous self-

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<sup>1</sup> Buku-Larrnggay Mulka Inc, ‘Constitution of Buku-Larrnggay Mulka Incorporated, Incorporation Number IA02857’, Yirrkala, Northern Territory of Australia, 13 May 2008.

determination, and the early history of European-Indigenous interactions within regional remote economies that promoted self-determination.

As a way of exploring these parameters, and to get insights into the operations of the Buku-Larrngay Mulka Centre today, publicly available documents on the art centre including the Constitution, Annual Reports 2009-2018, and website material will be evaluated.

*Dr Oluwatobiloba Moody, Post-Doctoral Fellow, Center for International Governance Innovation (CIGI), Canada*

### **Indigenous Self-Determination, Biopiracy, and Competent National Authorities**

With the adoption of the Nagoya Protocol in 2010, the international community succeeded in putting in place the long-sought framework for a binding international access and benefit sharing (ABS) regime – one which would provide further clarity and legal certainty around scientific uses of genetic resources (GRs) and associated traditional knowledge (TK). Though this regime defined an explicit objective of ABS, one of its key implicit objectives – from the perspective of its *demandeurs* – was to put an end to the problem of biopiracy. By emphasizing key UNDRIP-compliant principles of prior informed consent (PIC) and mutually agreed terms (MAT) for benefit sharing, it is expected that Indigenous peoples will be further empowered in exercising control over access and third-party uses of their resources and knowledge systems.

Biopiracy is generally used to reference the misappropriation and/or misuse of genetic resources and/or associated traditional knowledge. Most cases of biopiracy are aggravated due to lack of benefits being shared (non-compensation) and the acquisition of intellectual property rights over the processes and products arising from the scientific inquiry into genetic resources and associated TK.

Competent National Authorities (CNAs) are expected to play key roles of granting access, issuing written evidence that access requirements have been met, and advising on applicable procedures and requirements for prior informed consent (PIC) and mutually agreed terms (MATs) (Article 13.2). Indeed, these roles of CNAs are critical for realizing Indigenous interests over resources and associated knowledge, and ultimately also for addressing the problem of biopiracy.

With a specific focus on the principle of Indigenous self-determination, this paper will examine the functional role of CNA's towards addressing the problem of biopiracy. To this end, the paper will discuss the problem of biopiracy within the specific context of Indigenous peoples; clarify the concept of Indigenous self-determination with respect to access to genetic resources and associated traditional knowledge; and, based on a comparative review of some relevant jurisdictions, advance specific suggestions and recommendations for Indigenous self-determination in addressing the problem of biopiracy through the activities of CNA's.

*Professor Bradford W. Morse, Dean of Law, Thompson Rivers Univ Faculty of Law, Canada & Professor of Law, Te Piringa – Faculty of Law, University of Waikato, NZ*

### **Obtaining Recognition of Indigenous Control of ITK Directly or through Enabling Legislation**

UNDRIP expressly recognizes indigenous rights to maintain, control, protect, and develop ITK. The challenge is obtaining state partnership in implementing these principles. My paper will explore 2 different Canadian developments that may enhance fulfilling these principles.

First is establishing OCAP® (Ownership, Control, Access and Possession) standards by the First Nations Information Governance Centre (FNIGC) mandated to implement Indigenous control over how data should be collected and used. More recently, the First Nations Data Centre was established as the information technology arm.

Second, has been on the federal legislative front. Bill C-262 seeks to ensure that Canadian laws reflect UNDRIP. Having passed the House of Commons, it is currently in the Senate. The Bill states that UNDRIP is “affirmed as a universal international human rights instrument with application in Canadian law” and requires the federal government to take action “to ensure that the laws of Canada are consistent with” UNDRIP and create a “national action plan to achieve the objectives of” UNDRIP. Annual reports to Parliament on actions are required.

The federal government has been reflecting some of this thinking through recent legislation. Bill C-69 overhauls environmental impact assessments and would prohibit disclosure of ITK without Indigenous consent. Bill C-91 seeks to “reclaim, revitalize, maintain and strengthen” Indigenous languages by creating the Office of the Commissioner of Indigenous Languages to provide support upon request, conduct research, and “create permanent records of the language, including audio and video recordings and written material”.

It is hoped that the description of these initiatives and the analysis of their potential for serving as vehicles to ensure the preservation and revitalization of ITK may also serve as viable means to create safe mechanisms through which specific Indigenous peoples can control their ITK as they believe best meets their needs now and in the future.

**Bernice L Murphy**, *Editor, Museums Australia Magazine, Australia*

### **Museums, Ethics, and Indigenous Culture: Standards-Setting in a Longer Time Perspective than Protective Legal Measures Alone**

For some decades, there have been efforts focused on legal protection to secure Indigenous cultural rights of intellectual authority and self-determination in respect of cultural creativity and collections held in museums, and their appropriate interpretation and presentation to a broad public. These measures have been important and achieved great improvements on behalf of Indigenous people. However, there are significant avenues of affirmative action also available through *ethics codes* and collectively shared professional standards upheld by museums, and these avenues merit attention alongside pursuit of legally-based measures for rights-protection. An important reason for understanding ethical principles binding museums to the search for principled and just outcomes for all peoples represented in collections is that ethics codes reach much further than the law, and they do not cease at the point of a legal judgment in court. This paper will provide an international overview of these differences, to help illuminate the current context from a global perspective. However, the paper will also turn to the Australian situation from the author’s experience direct experience of museums and state galleries: to analyse crucial standards-setting protocols and other advances that have been achieved since 1993, in respect of the rights of Indigenous people in control of their culture and expression – and some options still open for continuing advancement.

**Margaret Ninsin**, *University of Ghana*

### **The Development of Access and Benefit Sharing Mechanisms in African Countries for the Protection of Traditional Knowledge**

This paper discusses how a competent authority can be formed to protect Traditional Knowledge through Access and Benefit mechanisms. Several African countries produce medicines from their traditional knowledge. These include diabetic medicine from Kenya, Antibiotics from Gambia, Antifungal from Namibia. Four Multipurpose medicinal plants from Ethiopia and its Neighbouring countries; Hoodia, the Appetite suppressant from Namibia, South Africa, Angola and Botswana. Also from Morocco the Argan oil which is extracted from a tree and used as cosmetic base in several western countries.

Yet over the years African countries have had their traditional knowledge taken from them without any equitable compensation accruing to owners of such knowledge. Their concerns have especially been about the inequitable international Intellectual Property regime that does not recognise traditional knowledge, which is largely community based.

In this paper I draw attention to the fact that very few African countries have taken steps to implement Access and Benefit Sharing provisions in Article 15 and 8(j) of the CBD convention. As a result they are unable to adequately protect their knowledge. Local communities usually find themselves in situations where they are forced to negotiate or they are marginalized. The avoidance of this situation of marginalization is what underpins Access and benefit sharing schemes. Before any outsider would be allowed access to the natural resources of the communities, compliance with the following principles should be assured. To achieve the above a competent authority should be established in each African country empowered to exercise general oversight of the Access and Benefit Sharing of the proceeds of Traditional knowledge. This national authority should comprise representatives of traditional rulers. Where councils of traditional rulers and community leaders already exist, their representatives should constitute this body. These are community leaders with deep understanding of the uses and benefits of Traditional Knowledge. They should be assisted by bureaucrats/technocrats who are knowledgeable about this subject and relevant laws. Under this national body there should be a focal person in networks of local communities where responsible officers can guide the communities to develop and preserve 'indigenous customary law, community protocol and proceedings' and also 'community protocols in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of such knowledge' (Art 12, Sect 3(a)). This will enable local communities to own the process and control access to their resources as well as share in the benefit accruing from the exploitation of their communal knowledge.

Professor **Giacomo Pace Gravina**, *Department of Jurisprudence, University of Messina (Italy)*

### **Protection of Intangible Cultural Heritage in Sicily**

Sicily is a region of Italy, an island in the middle of the Mediterranean Sea. This strategic position has favored a mixture of peoples – Greeks, Romans, Carthaginians, Byzantines, Arabs, Normans, Germans, French, Spaniards ... – and therefore of different traditions, stratified over the centuries, which have created, in addition to a huge monumental heritage, even an important intangible cultural heritage.

To implement the *Convention for Safeguarding of the Intangible Cultural Heritage*, approved by UNESCO on 17 October 2003, the Government of the Sicily Region established in 2005 the *Register of Intangible Heritage* and the *Regional Program of Intangible Heritage*, renewed in 2014.

Thanks to this Registry, Sicily has put in place the essential activities for the identification and registration of its cultural heritage, contributing to their protection, as well as the

appropriate promotion and use, thanks to the *Regional Program of Intangible Heritage*. 177 elements have been registered since the establishment of the Register.

The new *Register of Intangible Heritage* of the Sicilian Region consists of the following books: the *Book of Celebrations, Feasts and Ritual Practices*; the *Book of Trades, Knowledge and Techniques*; the *Book of Dialects and Jargons*; the *Book of Expressive Practices and Oral Repertoires*; the *Book of Living Human Treasures*; the *Book of Symbolic Spaces*.

Thus it was possible to preserve many manifestations of Sicilian culture, which risked disappearing due to globalization, the abandonment of the internal areas of the island, the depopulation of small urban centers.

This commitment, understood as a work in progress, continues through processes of interaction with local communities, which can propose further inscriptions of other elements of the intangible heritage, thus extending the range of action of the protection of memory.

Associate Professor **Daniel F. Robinson**, Environment and Society Group, Faculty of Arts and Social Sciences, University of New South Wales

### **Māori Knowledge under the Microscope: Appropriation and Patenting of Mātauranga Māori and Related Resources**

Since the early 1990s there has been considerable global discussion and debate surrounding biodiscovery activities and the utilisation of both genetic resources (including biochemical derivatives) and associated traditional/Indigenous knowledge (TK/IK). Concerns about misappropriations and biopiracy have often been raised; however it has been difficult to quantify the scale of this problem beyond some common examples and anecdotes. This paper contributes to emerging research in this area (e.g. see Oldham et al. 2013; and Robinson and Raven 2017) and seeks to quantify patent utilisation of specific GRs where there is documented TK. A patent landscaping approach was undertaken with a focus on plants with associated *mātaraunga Māori* (Māori knowledge) from Aotearoa New Zealand. We explain our methodology and highlight 77 patent families of interest identified through our search. Although the findings are not definitive about misappropriation without additional analysis of the patents' specifications and claims, and sources of *mātauranga Māori*, the data we outline may be useful for drawing out cases of misappropriation and biopiracy. These findings might also be useful for considering the potential implications of these for Māori claims under the Waitangi Tribunal Wai 262, potential access and benefit-sharing (ABS) systems, and intellectual property (IP) regulations or reforms, which could include a Māori cultural competent authority.

Dr **Ekapong Sarnnoi**, *School of Law, Sripatum Univerisity*

Dr **Chongnang Wiputhanupong**, *School of Law, Sripatum University*

### **Forming a Competent Authority to Protect Intangible Cultural Heritage**

This presentation aims to study legal measures in promoting and preserving Thailand's cultural heritage as part of the Traditional Cultural Expression in order to obtain effective guidelines for promoting and preserving cultural heritage.

The study found that social change and acceptance of modern culture from abroad were a serious threat. It affects the promotion and preservation of cultural heritage and the Traditional Cultural Expression. In addition, it could also bring loss and destruction to the cultural heritage.

Regarding the issue of self-determination, the study found that the people of new generation in Thailand are playing an important role in protection of the cultural heritage such as folk crafts, folk music, and folk songs in their living area. Some legal measures that contribute to the promotion and preservation of cultural heritage may be required, therefore, so that these people will join together to preserve the cultural heritage to continue with the Thai society.

In the end, the authors suggest that there should be a legal measure to promote knowledge of the community on the importance of cultural heritage. The measures could raise awareness, especially for children and youth. The solution could also come in the form of museums of cultural heritage which is an important channel for promoting and preserving the cultural heritage of Thailand.

**Keywords:** Support; treatment; Safeguarding Intangible Cultural heritage

Professor **Nancy E. Shurtz**, *Bernard A. Kliks Chair, School of Law, University of Oregon, Eugene, Oregon 97403*

### **Tax as a Tool for Self-Determination: The Native American Case Study**

The UN's goal of self-determination for indigenous peoples can only be accomplished with organizational structures that recognize their group sovereignty. The United States has gradually evolved its official policies towards its Native American constituents from patriarchal approaches in place since the 19th century towards those of a nation-to-nation relationship. An active manifestation of this paradigm shift is the taxation treatment of Native American tribes. For taxation purposes, they are treated as both sovereign governments and business entities, facilitating dramatic increases in economic vitality through consequent encouragement of internal (tribal) economic development. Tribes escape taxation at the entity level when they operate commercial enterprises such as gaming facilities, similar to states that run liquor stores, lotteries and convention centers. Individual tribal members are also not taxed from income attached to recognized fishing rights or from activities directly tied to tribal lands allotted through trusts. Additional policy vehicles can contribute to these trends and offer model options on the international stage.

My paper compares primary components in the American system, including tribal status, sub-governmental entities, tax exempt organizations, trusts (including business trusts) and various private business forms (LLCs, S-corporations, C-corporations, etc.) and hybrid entities (B companies, for instance). They will be evaluated against key criteria: (1) the deductibility of contributions to the entity, (2) income taxation of the entity from economic activities, (3) the taxation of constituent members of the entity, (4) the deductibility of taxes paid to the entity, (5) the treatment of health plans and fringe benefits provided by the entity, and (6) the tax consequences of the accumulation of earnings, partnerships with outside interests, reorganization structures, and termination. Important internal organization issues will also be examined that can have significant impact on the taxability and economic viability of tribal and individual economic activity.

Professor **Natalie Stoianoff**, *Director, Intellectual Property Program, Faculty of Law, University of Technology Sydney*

Professor **Fiona Martin**, *School of Taxation and Business Law, University of New South Wales*

Professor **Andrew Mowbray**, *Faculty of Law, University of Technology Sydney*

## Garuwanga: Forming a Competent Authority to Protect Indigenous Knowledge

This paper will report on the outcomes of the ARC Linkage funded project, *Garuwanga: Forming a Competent Authority to Protect Indigenous Knowledge* (the Garuwanga Project). The Garuwanga Project is based on the Nagoya Protocol, which came into force on 12 October 2014, and has already been ratified by 113 UN member states and the European Union. Implementation of the Protocol requires the establishment of national focal points and competent national authorities (which may be one in the same). Such authorities, if created as non-government organisations and/or if governed by representatives of the communities they are intended to protect, could assist Indigenous communities to achieve self-determination in accordance with the United Nations Declaration on the Rights of Indigenous Peoples. This paper will outline the forms of competent authorities already established by other nations to protect Indigenous knowledge and report on the legal and governance structures already utilised by Indigenous communities in Australia to protect their knowledge and culture. A key feature of this project is the Indigenous governance principles developed to evaluate Australian-based organisations that could provide potential models for such a competent authority. With the assistance of these principles and the outcomes of the Garuwanga Project 'on country' consultations, the project has proposed a tiered approach for competent authorities to operate in Australia starting with the local or regional level and being supported by a national level reporting body.

Dr Evana Wright, Lecturer, *University of Technology Sydney*

## **Competent Authorities for the Protection of Traditional Knowledge: Lessons from India and Peru**

The Nagoya Protocol requires member countries to implement a framework governing access to genetic resources and associated traditional knowledge and the fair and equitable sharing of benefits arising out of their utilisation. Functional institutions are critical in the implementation and administration of any regime for the protection of traditional knowledge and it is important to learn from the experience of other jurisdictions in the design and implementation of regimes for the protection of traditional knowledge. This paper presents a comparative analysis of the institutions established by India and Peru for the protection of traditional knowledge including the governance of access and benefit sharing under their respective legislative frameworks. The paper identifies lessons for Australia that may inform the design and implementation of a governance system for the protection of traditional knowledge including any competent authority. The comparative analysis identifies the critical role Indigenous and local communities must play in governance systems and institutions for the protection of traditional knowledge along with the importance of local decision making as well as investment in funding and capacity building.

## **SPEAKER AND CHAIR BIOGRAPHIES**

### **AYOUBI, Lida**

Lida Ayoubi is a lecturer at Auckland University of Technology (AUT) Law School where she teaches intellectual property and human rights. She holds a PhD degree from Victoria University of Wellington (NZ), an LLM in International Human Rights and Intellectual Property Law from Lund University (Sweden) and an LLB degree from University of Tehran (Iran). She has presented and published on various aspects of the interface of human rights and intellectual property. She is currently completing a NZ Law Foundation funded research

project on NZ universities' intellectual property policies and protection of mātauranga Māori (Māori traditional knowledge and culture).



Lida Ayoubi

### **BODKIN-ANDREWS, Gawaian**

Gawaian Bodkin-Andrews is a D'harawal scholar whose research engages with Indigenous Research Methodologies, Indigenous Data Sovereignty, and Indigenous Storywork and Storytelling frameworks. Through these methodologies, his research seeks to centre critical Aboriginal Australian standpoints across a diversity of disciplines and topics including racism, identity, mental health, education, mentoring, and bullying.



Gawaian Bodkin-Andrews

### **BUITRAGO-CARRANZA, Andrea**

Andrea is a lawyer (Barrister & Solicitor) member of the Law Society of Ontario since 2017. Recently, Andrea Buitrago-Carranza was a legal researcher and policy analyst at Hutchins Legal Inc., where she focused on the international law applicable to Aboriginal issues in Canada, in particular international human rights law and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

She completed her double degree in common law and civil law at McGill University in 2015 (BCL/LLB), where she explored her interest in academia and was co-founder of the [McGill Journal of International Law and Legal Pluralism “Inter-Gentes.”](#) Both as part of a research team and individually, she wrote and presented at [conferences](#) papers relating to different ways to enforce human rights. She was also selected by the McGill Centre for Human Rights & Legal Pluralism as the [McGill 2016-2017 Clerk before the Inter-American Court of Human Rights](#), where among other tasks, she provided research and helped drafting the [Advisory Opinion OC-24/17](#), concerning the right to identity.

Shortly after the completion of her BCL/LLB at McGill, Andrea joined the legal offices of three Specialized Agencies of the United Nations as legal trainee: the Food and Agriculture Organization of the United Nations (FAO), the United Nations World Food Programme (WFP), and the International Civil Aviation Organization of the United Nations (ICAO). During these placements, Andrea assisted their Legal Officers in advising their secretariats,

technical units, regional and field offices on a wide range of legal and constitutional aspects, including drafting and reviewing international agreements protecting the intellectual property of these agencies, and the protection of the privileges and immunities of their staff and property.

Andrea also holds a Master in Public Administration (with concentration in Global Governance) from Queen's University and an Honours degree in Political Science from Bishop's University. She is fluent in English, French and Spanish.



Andrea Buitrago-Carranza

#### **DAVIS, Michael**

Dr Michael Davis has worked for many years across the disciplines of history, policy, postcolonial studies and theory. His research interests include: Indigenous/European encounters, histories and knowledges, ecology, anthropological history, and theories of place; policy and analysis of Indigenous knowledges, ethical research, and environmental humanities. He has worked in academia, public policy, and as an independent consultant. In his consultancy work, Michael has been engaged by a range of organisations including Aboriginal land councils and community organisations, universities and research organisations, among others. He is widely published, and his latest book (co-edited with Professor Joni Adamson, Arizona State University), is *Humanities for the Environment: Integrating Knowledge, Forging New Constellations of Practice* (Routledge, 2017).



Michael Davis

#### **GEISSLER, Marie**

Marie Geissler brings to the field of fine art a broad experience and knowledge in relation to research, education, writing and curation of issues associated with both Indigenous and non-Indigenous art and culture. Her academic qualifications span the disciplines of both the Sciences and Fine Arts and include a degree in the Biological Sciences that relates to understandings of the importance of respecting the interconnected living systems of the natural world. In the Fine Arts she holds a Graduate Certificate in Art History and a

Doctorate in the history of issues associated with the reception of Arnhem Land bark painting over several centuries.

Marie worked in scientific research for some of the nation's most prestigious scientific institutions developing her understandings of the natural world at both the macro and micro levels. She then worked in education, and in recent years following her studies in the Fine Arts has been engaged in programs for the research, protection, management and promotion of contemporary art.

Marie's diverse curatorial experience includes the production of a catalogue for the Australian exhibit at the UN-funded *Kassel Documenta* (now in the Mitchell Library in Sydney) and Australian Curator for the curation of the exhibition which represented of over sixty Indigenous and non-Indigenous Australian artists in Kassel Germany. As Sydney Director of Agathon Galleries Sydney, she curated exhibitions of Indigenous artists for display in Australia and overseas and lectured on Aboriginal art. As a Senior Researcher to Margo Neale, the Indigenous curator at National Museum of Australia, she assisted in her work for the *Songlines. Tracking the Seven Sisters* exhibition of 2018.

Marie's research skills have also been applied in other projects, including as an Investigation Team Member to the Garuwanga Project Research Roundtable of the Indigenous Knowledge Forum, chaired by Professor Natalie Stoianoff at the Law School at UTS, which is developing legal protocols to protect indigenous intellectual property. As well, she is a Member of the WANTOK Strategy Team, acting in a research and cultural advisory role for the Australian South Sea Islander Association in Sydney (<http://www.assipj.com.au/wantok-strategy-team/>), which is currently seeking oversight of the 60,000 item-strong, Pacific Islander Collection at the Australian Museum.

Marie has published widely on the arts (mainly in the non-academic press) over thirty years.



Marie Geissler

### **JAMIE, Joanne**

A/Prof. Joanne Jamie is a Bioorganic and Medicinal Chemist and Deputy Head of the Department of Molecular Sciences at Macquarie University in Sydney. Her research activities include the firsthand documentation, biological screening and isolation of bioactive compounds from customary medicines. As part of the research conducted with Yaegl Elders of northern NSW on customary medicinal plants, six journal articles co-authored with the Yaegl Elders have been published as well as a bush medicine handbook that is being used in Yaegl Country for education and cultural tourism. Joanne and the Macquarie team have collaborated with the Yaegl Elders and Maclean High School staff on the River of Learning Cultural Immersion Program, which is an award-winning program run by the Elders for secondary school students of Maclean High School (on Yaegl Country). As a best ethical practice extension to the customary medicinal plant research, Joanne has also co-established and co-directs the National Indigenous Science Education Program (NISEP, [nisep.org.au](http://nisep.org.au)),

which is in partnership with the Yaegl Elders and uses Western and Indigenous science to enhance educational outcomes for Indigenous and non-Indigenous secondary school students. Joanne additionally developed and convenes the Macquarie University subject Engaging the Community in Science (established 2012), which allows Macquarie undergraduate students to contribute to and increase the capacity of NISEP. NISEP has received various awards for its community engagement, including the 2011 Australian Learning Teaching and Council Award, and NISEP won 2016 PwC Innovator of the Year as part of the PricewaterhouseCoopers (PwC) STEM 21st Century Minds Accelerator Program. In May 2019 during National Reconciliation Week, Joanne received a Macquarie University Reconciliation Award for her research and community engagement.



Joanne Jamie

**MARTIN, Fiona**

Professor Martin is an internationally recognised expert on taxation issues, particularly those relating to charities and not-for-profits. She has published extensively in this area and on income tax issues relating to indigenous Australians who receive mining payments, the goods and services tax and taxation issues relating to real estate. Her doctoral research was awarded the International Fiscal Association research prize and the Wolters Kluwer Australasian Tax Teachers Doctoral Series Award. It is published by Wolters Kluwer as *Income Tax, Native Title and Mining Payments* (2014). Professor Martin's other areas of research include international human rights, legal education, governance of legal structures and social entrepreneurs and she has published many scholarly articles in these areas.

Professor Martin has been awarded two Australian Research Council Grants together with other prestigious external funding. She is regularly invited to present her research at national and international conferences such as the International Society of Third Sector Research Biennial Conference and the North American Law & Society Conference.



Fiona Martin

**MOODY, Oluwatobiloba**

Oluwatobiloba Moody is currently a post-doctoral with the intellectual property stream of the Center for International Governance Innovation's International Law Research Program. In this role, he researches international law and governance pertaining to intellectual property with a specific focus on the protection of traditional knowledge and genetic resources. Prior to joining CIGI, Oluwatobiloba worked as a lawyer in both public and private organizations

in Nigeria, as well as with international organizations in Geneva, such as the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO). He remains a consultant for WIPO. He has taught extensively on the relationship between intellectual property and traditional knowledge, and has been invited as a guest lecturer to several universities, including the University of Indonesia, Indonesia, the University of Geneva, Switzerland and the George Mason University, USA, amongst others. He also remains a frequent presenter/discussant within major international conferences.

Oluwatobiloba has a Ph.D. in Global Intellectual Property law from Queen's University, Canada, where amongst other scholarships, he studied as a recipient of Canada's most prestigious graduate scholarship – the Vanier Scholarship. He completed his LL.M. *cum laude* in International Trade and Investment Law from the University of the Western Cape, South Africa and obtained his LL.B. from the University of Ibadan in Nigeria. He is called to the Nigerian Bar in dual capacity as a barrister and solicitor of the Supreme Court of Nigeria.



Oluwatobiloba Moody

#### **MORSE, Brad**

Brad Morse has been Dean and Professor of Law at the Faculty of Law, Thompson Rivers University since January 2015. He previously was Dean and Professor of Law for over 5 years at the University of Waikato in Hamilton, New Zealand and Professor of Law at the University of Ottawa since joining that Faculty in 1976. He completed his 1st law degree at UBC, so coming to TRU has been a long awaited return to BC. He has taught a wide variety of courses in law schools over the years. Brad's career includes appointments as Executive Director of the Native Legal Task Force of British Columbia (1974-75); Research Director of the Aboriginal Justice Inquiry of Manitoba (1988-91); and Chief of Staff to the Hon. Ronald A. Irwin, Canadian Minister of Indian Affairs and Northern Development (1993-1996). He has also served as legal advisor to many First Nations in Canada as well as national and regional Aboriginal organizations since 1974 and a consultant to various royal commissions, government departments and Indigenous peoples' organizations in Canada, Australia and New Zealand.



Brad Morse

**MOWBRAY, Andrew**

Professor Andrew Mowbray joined the Faculty in 1986 as a Lecturer with degrees in Computing Science and Law. He took a national leadership role in the computerization of law and the development of computerized legal research from the late 1980s onwards. Over the years, Professor Mowbray has maintained an active involvement in the teaching of the core subject Legal Research and specialist electives such as Law and Computers.



Andrew Mowbray

**MURPHY, Bernice**

Bernice Murphy has some decades of experience in Australia as a curator of contemporary art. She was involved for 15 years in the development of the MCA Sydney – as Chief Curator, and finally the second Director of the MCA (including the MCA’s acquisition of three large collections of Indigenous Australian art). She was involved for many years in international affairs of the museums community: for 9 years as a member of the Executive Board of the Paris-based International Council of Museums (6 years as Vice-President of ICOM). She then chaired ICOM’s Ethics Committee for 7 years, coordinating ICOM’s international work on ethics and professional standards-setting for the museums community world-wide. She also served on ICOM’s Legal Affairs Committee. She is an honorary Life Member of both ICOM (Paris) and Museums Australia (Canberra), and received the Australia Council *Visual Arts Emeritus Medal* in 1999, and the ICOM-Australia Award for International Relations in 2009. She commissioned and edited (for ICOM’s 70<sup>th</sup> anniversary) a collected volume of essays: Bernice L Murphy (ed.), *Museums, Ethics and Cultural Heritage* (Routledge, UK, and ICOM, Paris, 2016).



Bernice Murphy

**NINSIN, Margaret**

Margaret Ninsin holds a Masters degree in Legal studies, a special executive masters in international business law and a PhD in legal studies. She currently holds the position of General Counsel at OLMEC. OLMEC is an international organization represented in Europe, America and Africa. This organization seeks to raise funds for development projects in Africa. She is the President and Founder of the Intellectual Capital Institute of Africa, an organization that works in several areas of research and development but most importantly in the area of advocacy for the protection of indigenous knowledge, Margaret is the Chief Executive Officer of MNISSI Law Consult; A Legal firm based in Accra, where she specializes in arbitration and legal research. Also, she is an Advocate for the Intellectual Property Rights of Indigenous knowledge especially in African tropical Medicines.

She contributed a chapter titled “Protecting Indigenous Knowledge and Culture: The African Experience” in the publication “Comparative Systems for Recognizing and protecting Indigenous Knowledge and Culture” (<https://trove.nla.gov.au/version/231319064>)

She is passionate about working with people in rural communities. Her NGO, Dawn of Hope specializes in building libraries for disadvantaged communities in Ghana. She is committed to improving literacy among rural folk and creating awareness of indigenous knowledge.

Margaret also founded Hope International Trust in Zimbabwe, a non-profit organization that assists female ex-convicts and juveniles in difficult circumstances.



Margaret Ninsin

### **OGUAMANAM, Chidi**

is a full professor in the Faculty of Law (Common Law Section), University of Ottawa, Canada where he is affiliated with three Centres of Excellence: Centre for Law, Technology and Society, Centre for Environmental Law and Global Sustainability, and the Centre for Health Law Policy and Ethics. He holds numerous research fellowships and affiliations with leading organizations, including, the Centre for International Governance Innovation, the Centre for International Sustainable Development Law at McGill University, and IP Law Unit at University of Cape Town. Following professional legal practice in corporate and intellectual property, Dr. Oguamanam attended graduate school at the University of British Columbia where he obtained his LL.M. and Ph.D. degrees in law. He began his academic career as a fellow of Canada Institutes of Health Research. He joined Dalhousie Law School (now Schulich School of Law) in 2004. At Dalhousie University, Dr. Oguamanam had administrative responsibility as the Director of the Law and Technology Institute (2007-2011). In 2008, he became an adjunct professor per term at the Case Western Reserve Law School, Cleveland, Ohio where he taught Indigenous Peoples and their

Knowledge in International Law. An author, co-author and editor of several books that reflect a wide range of interdisciplinary research, Dr. Oguamanam leads and is affiliated with many research consortia, including the ABS Canada and the Open Africa Innovation Research Partnership. Some of his books include *International Law and Indigenous Knowledge* (University of Toronto, 2010), *Intellectual Property in Global Governance* (Routledge, 2011), *Innovation and Intellectual Property* (University of Cape Town, 2014), *Genetic Resources, Justice and Reconciliation* (Cambridge, 2019). He is a sought-after speaker and public intellectual committed to justice and fairness in global knowledge governance paradigms with emphasis on intellectual property's interface with Indigenous knowledge systems. In 2016, he was named to the Royal Society of Canada College of New Scholars.



Chidi Oguamanam

### **OKEDIJI, Ruth**

Ruth L. Okediji is the Jeremiah Smith Jr. Professor of Law at Harvard Law School and co-Director of the Harvard University Berkman Klein Center for Internet and Society. Prior to this appointment, she was the William L. Prosser Professor and McKnight Endowed Presidential Professor at the University of Minnesota Law School. From 1994 – 2003, she was the Edith Gaylord Presidential Professor of Law at the University of Oklahoma College of Law. She has also taught at Emory Law School, Duke University School of Law, the University of Haifa Law School (Israel), the University of St. Thomas School of Law, and the University of Tilburg Law School (Netherlands). In 2015-2016, she held the Heiken Visiting Professorship in Patent Law at Harvard Law School. Professor Okediji teaches contracts, copyright, patents, and courses in Biblical Law.



Ruth Okediji

**PACE GRAVINA, Giacomo**

Full Professor of History of Medieval and Modern Law, Law Department, University of Messina (Italy);

Delegate of the Rector of the University of Messina to the Artistic and cultural Heritage and the University's Historical Archive;

Member of the Commission for the History of the Advocacy in Italy of the National Bar Council;

Deputy Director of the Rivista di Storia del Diritto italiano;

Winner of the Erice International Prize for Ius Commune (1995), and of the Prize 'Le Muse' (Clio), XLV ed., (Florence 2010);

Advisor for cultural activities at Municipality of Caltagirone (Sicily).



Giacomo Pace Gravina

**PRENZLER, Paul**

A/Prof. Paul Prenzler is an analytical chemist and Head of the Chemistry Discipline at Charles Sturt University in Wagga. His research activities include investigation of phenolic antioxidants in foods and beverages, which has led to studies of these compounds in medicinal plants in Australia and Pakistan. In 2011, Paul was invited to meet with the Wiradjuri Council of Elders to discuss partnerships to study Wiradjuri medicinal plants, and since then has developed relationships with Elders and other Community members to progress understanding of the chemistry of these plants. The National Indigenous Science Education Program (NISEP, [nisep.org.au](http://nisep.org.au)) expanded to Mt Austin High School in Wagga Wagga (2012-ongoing) through Paul's connections with Macquarie University, Indigenous leaders in Wagga, and science teachers at the high school. He is currently Co-Director of the Charles Sturt University hub of NISEP, which has expanded to other campuses of CSU – Port Macquarie and Orange, as well as other high schools in the Wagga region – Koorringal and Narrandera. Paul is currently enrolled in a Graduate Certificate in Wiradjuri Culture, Language and Heritage at Charles Sturt University. He is a member of the Campus Environmental Committee at Charles Sturt University, with a focus on establishing a Wiradjuri Pharmacy, a garden of medicinal plants, in partnership with people from the Wiradjuri Community.



Paul Prenzler

**QUIGGIN, Robynne**

Professor Robynne Quiggin is a Wiradjuri lawyer and business woman who has worked across business, legal and policy areas of relevance to Aboriginal and Torres Strait Islander Australians including consumer issues, financial services, human rights, governance, rights to culture, heritage and the arts.

Robynne has practised as a solicitor, running her own legal consulting business for 10 years, was the inaugural CEO of the Australian Indigenous Governance Institute and managed ASIC's Indigenous program. She has served on a number of boards including the Arts Law Centre of Australia, our national cultural institution the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), social enterprise First Hand Solutions and independent Indigenous media organisation and radio station Gadigal Information Services. She is currently chair of the Board of the NSW Aboriginal Housing Office, deputy chair of the board of Bangarra Dance Theatre, chair of Westpac's Indigenous Advisory Committee, a member of Westpac's Stakeholder Advisory group, a member of IAG's Consumer Advisory Board and member of the Steering Committee of the Australian Sustainable Finance Initiative.

Prior to her appointment at UTS, Robynne was Deputy Aboriginal and Torres Strait Islander Social Justice Commissioner at the Australian Human Rights Commission.



Robynne Quiggin

**REED, Trevor**

Trevor Reed is an associate professor of law at Arizona State University's Sandra Day O'Connor College of Law, where he teaches property, copyright, cultural resources law and federal Indian law. Reed's research explores the social impacts of intellectual property law on individual and group autonomy. His recent work has focused on the linkages between creative production and Native American sovereignty. Since 2009, Reed has been involved in

community-partnered repatriation initiatives with Native American tribes in the Southwestern United States, working to return indigenous materials and their respective IP rights from museums, archives and other holding institutions back to local communities. Professor Reed's recent work on this topic has been published in Columbia's Journal of Law and the Arts (Andrew D. Fried Memorial Prize), the Oxford Handbook of Music Repatriation, and the volume Music and Modernity among First Peoples of North America (Wesleyan University Press). Forthcoming publications include articles in the journal Anthropological Quarterly and the Journal for the Society of American Music, and chapters in two edited volumes Music and Human Rights, and Indigenous Communities and Research: Research with, by and for Indigenous Peoples. Reed holds a JD from Columbia Law School, a PhD (ethnomusicology) from Columbia's Graduate School of Arts and Sciences, and a Master of Arts Administration from Teachers College, Columbia University.



Trevor Reed

**ROBINSON, Daniel**

Daniel Robinson is Associate Professor with the Environment and Society Group, Faculty of Arts and Social Sciences, University of New South Wales (UNSW) Sydney Australia. He is Academic Lead for the Pacific for the UNSW Institute for Global Development (IGD). He is also the Pacific Regional Manager of the multi-donor, EU-funded, GIZ-led Access and Benefit-Sharing Capacity Development Initiative (ABS Initiative). With Dr Margaret Raven (UNSW Scientia Fellow), Daniel is Chief Investigator on a 5-year ARC Discovery Grant: Indigenous Knowledge Futures. He has published a number of books on these issues and worked on projects for a number of agencies including ICTSD-UNCTAD, UNDP-GEF, Department of Environment/AusAID, and others.



Daniel Robinson

**ROY, Alpana**

Dr Alpana Roy is a legal academic and practitioner, and an accredited mediator. She is an expert in intellectual property law, with a particular focus on trade marks, domain names, and copyright.

Alpana has several years of experience in intellectual property and commercial law – in both practice and the academy. She has lectured in a wide range of postgraduate and undergraduate intellectual property, commercial law, and dispute resolution subjects at various universities, including the University of Sydney, the University of Queensland, the University of Technology Sydney, and Western Sydney University where she is currently the Director of Research and an Associate Professor in the School of Law. Alpana is widely published and a commissioned author for several major legal publishers including Thomson Reuters, Federation Press, LexisNexis, Oxford University Press, and CCH. She is also regularly invited to speak at international and national seminars on a broad range of legal topics.

Alpana was admitted to practise in NSW in 1999, and is on the Roll of Legal Practitioners for the High Court of Australia. She has worked for top-tier corporate law firms (Clayton Utz, and King & Wood Mallesons), boutique specialist firms, and various private and public sector organisations. Alpana has practised both as a solicitor and a barrister (at the Sydney Bar), and has also worked internationally as a lawyer. She has been involved in a number of leading cases in the Federal Court of Australia.

Alpana has also worked as a mediator since 2009. She is nationally accredited under the National Mediator Accreditation System (NMAS), and is accredited with the Law Society of NSW. Alpana has been appointed to the following panels: District Court of NSW Mediators Panel; NSW Law Society Mediators Panel; Family Law Settlement Service (FLSS) Panel. She speaks English as well as Hindi and Bengali.



Alpana Roy

### **SARNNOI, Egkpong**

Dr. Egkpong Sarnnoi is a lecturer at School of Law, Sripatum University. He received his PhD in Law from Ramkhamhaeng University, Bangkok, Thailand. His researches focus on the legal impact of the administrative law on people and the local authorities. The researches include: “The use of herbs for the health care of people, Rawaeng Sub-district, Yarang District, Pattani Province” and “Measures and legal guidelines for control residue in fruit and vegetable products: a case study of Chainat Province”. He also specialises in Legal Sociology, Criminal and Public Law.



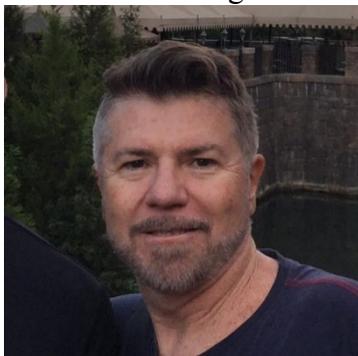
Egkpong Sarnnoi

### **SCOTT, John**

Through his Father (Jack Scott) and his Grandmother (Catherine Maud Evans), Mr. Scott is a descendant of the Iningai people (Indigenous Australian) of central Queensland (Barcaldine area). They are *Freshwater Murriss*.

Mr. Scott has a significant background in education, social policy, law, indigenous rights and traditional knowledge. He has moved through various incarnations to get where he is today including as a leading senior high school teacher, Aboriginal Education Advisor, Chief Educational Officer for Aboriginal Programs, Senior Policy Advisor (Office of the aboriginal Social Justice Commissioner, Australian Human Rights Commission), Deputy Director for the School of Indigenous Australian Studies at James Cook University, Manager of the Cultural Rights Unit of the National Policy Branch with National Aboriginal and Torres Strait Islander Commission (ATSIC), Indigenous Human Rights Officer with the United Nations High Commission on Human Rights (OHCHR), and Senior Policy Officer of the Secretariat of the United Nations Permanent Forum on Indigenous Issues. Currently Mr. Scott is the Senior Programme Officer for Traditional Knowledge and Customary Sustainable Use of Biological Diversity, the focal point for indigenous peoples and local communities, and the Manager of the Peoples and Biodiversity Unit (which includes Gender and Health) at the United Nation's Convention on Biological Diversity. He also manages on behalf of the Convention, the Joint Programme of Work, between the Secretariat of the CBD and UNESCO on Biological and Cultural Diversity.

Mr. Scott's Education: Diploma of Secondary Teaching (Arts/Humanities), Graduate Diploma in Aboriginal Education (with Distinction), Master of (Indigenous) Legal Studies – International Indigenous Rights and Constitutional Law Reform.



John Scott

### **SHURTZ, Nancy L**

Nancy Shurtz is B. A. Kliks Professor in the School of Law. She the law school faculty from the University of Pennsylvania's Wharton School. Her interests include individual and business tax law, tax policy, environmental policy, and women and the law. She is editor for the Media/book Products Committee of the American Bar Association's Real Property, Probate, and Trust Section. Shurtz has been a literature reviewer and columnist for Estate Planning magazine since 1990. Recently, she consulted with Mills College (California) about the formation of an all women's law school after her article on the subject came out in 2005 in The Hastings Women's Law Review.



Nancy L Shurtz

#### **STOIANOFF, Natalie**

Natalie Stoianoff is a Professor and Director of the Intellectual Property Program at the Faculty of Law, University of Technology Sydney, since 2008. She is the Chair of the Indigenous Knowledge Forum Committee, member of the UTS Commercialisation Advisory Panel, and is currently Co-convenor of the Technology and Intellectual Property Research Cluster and past convenor of the China Law Research Group. She is the author of numerous publications including: lead author of the 2019 Lexis Nexis publication, *Commercialisation of Intellectual Property*; co-author of the Federation Press publication, *Intellectual Property Law Text and Essential Cases*, adopted by several Australian universities and now in its fifth edition; editor of and author in the multidisciplinary book, *Accessing Biological Resources, Complying with the Convention on Biological Diversity*, published in 2004 by Kluwer Law International Environmental Law & Policy Series; and currently the managing editor of the newly formed Lexis Nexis series for the Indigenous Knowledge Forum. Natalie is the lead chief investigator for the ARC Linkage Grant project - Garuwanga: Forming a Competent Authority to Protect Indigenous Knowledge – which is exploring the governance framework for an access and benefit-sharing regime.



Natalie Stoianoff

### **VEMULPAD, Subramanyam**

A/Prof. Subramanyam Vemulpad is a medical microbiologist, working as an academic at Macquarie University since 2000. He is the Chair of University Biosafety Committee and Deputy Associate Dean (HDR) for the Faculty of Science and Engineering. His areas of interest include antimicrobial and other bioactive compounds from traditional medicinal plants, preservation of customary knowledge, nonpharmacological interventions for improving lung function and working with disadvantaged groups to improve their educational outcomes and to strengthen their capacity. He has earlier worked in India and Malawi and has wide experience in tropical and infectious diseases including filariasis and tuberculosis. Subra is a part of the Macquarie team collaborating with the Yaegl Elders and Maclean High School on the award-winning River of Learning Program. He co-directs the National Indigenous Science Education Program (NISEP; [nisep.org.au](http://nisep.org.au)), in partnership with Yaegl Elders, which strives to enhance educational outcomes for Indigenous and non-Indigenous secondary school students. NISEP has received various awards for its community engagement, including the 2011 Australian Learning Teaching and Council Award and the 2016 PwC Innovator of the Year, as part of the PricewaterhouseCoopers (PwC) STEM 21st Century Minds Accelerator Program.



Subramanyam Vemulpad

### **WIPUTHANONG, Chongnang**

Dr. Chongnang Wiputhanupong is a lecturer at School of Law, Sripatum University, Bangkok, Thailand. She received PhD in Intellectual Property Law from the University of Nottingham. Her researches focus mainly on copyright, human rights, and media and communication. The researches include the study of originality and creativity under Thai traditional and contemporary paintings and the study of the administrative power regarding drug price control. Now she is expanding her area of interest to the field of traditional knowledge and traditional cultural expressions.



Chongnang Wiputhanupong

**WRIGHT, Evana**

Dr Evana Wright is a Lecturer in the Faculty of Law University of Technology Sydney researching in the fields of intellectual property and the protection of Indigenous traditional knowledge. Her PhD thesis examined the emerging international framework for the recognition and protection of Indigenous traditional knowledge and its implementation in India and Peru with the objective of identifying lessons for Australia in developing a nationally consistent regime for the protection of traditional knowledge. Evana was admitted as a legal practitioner in the Supreme Court of New South Wales in 2006 and has previously worked as an in-house legal counsel in Australia and Silicon Valley for major IT corporations and in an ICT research and development incubator. Evana holds a PhD from the University of Technology Sydney, Master of Laws (Honours) also from the University of Technology Sydney, and a Bachelor of Science/Bachelor of Laws from Macquarie University.



Evana Wright