

**10<sup>th</sup> Expert Mechanism on the Rights of Indigenous Peoples**  
**10 – 14 July 2017**

*Agenda Item no. 4: Study and advice on good practices and challenges in business and in access to financial services by Indigenous Peoples, in particular indigenous women and indigenous persons with disabilities.*

**Statement of the Asia Caucus**

The Asia Caucus thanks the Expert Mechanism for this Study, and hopes that all contributions as well as other existing materials on this issue would be taken into consideration before it is finalised.

In Asia, many indigenous communities integrate both traditional occupations and business practices into their diverse economic systems. For example, our subsistence economy supports not only family needs but also community needs. Surpluses from our farms and traditional activities are sold in our local markets to meet the needs of the community. In some cases, products and goods are bartered with other communities, thus enabling business and at the same time, maintain harmonious relationships.

However, many of our traditional occupations such as rotational farming, hunting, fishing, gathering and artisanal activities that are crucial for our survival are being curtailed by States in our region due to misplaced policies and laws. Laws in many countries in Asia, which allow domestic use of resources but not allow sales of such resources, have curtailed incomes and traditional business activities. These laws stemmed from accusations that indigenous peoples could cause the destruction of species or the environment.

We therefore welcome paragraph 6 of the Expert Mechanism Advice No. 10 in the Annex, regarding the need to revise or amend laws that prohibit or limit sustainable indigenous occupations in order to facilitate the development by indigenous peoples of small, locally based businesses. However, we recommend that the scope of the activities in this paragraph be widened to include traditional farming and artisanal activities.

Paragraph 4 of the Annex on ensuring secure land tenure is also very critical to this topic but we request EMRIP to be more precise in its Advice regarding “accommodation of indigenous legal traditions within the national legal framework”.

The Asia Caucus would also like to add that the lack of access to or, in many cases, absence of financial services have led many indigenous peoples to fall prey to private lenders and middlemen charging high interests and/or making traditional lands as collaterals for loans and services. We believe that not only should States and financial institutions be asked to strive better in providing better financial products and services to indigenous businesses but also ensure adequate legal protection and safety net measures from risk and debilitating debts.

Finally, we sincerely believe that indigenous communities must be allowed to hone their business skills and make their own decisions to develop their lands. States, particularly in South East Asia, often initiate large land development schemes for indigenous peoples in the guise of poverty eradication. We firmly believe that with adequate financial and technical assistances that indigenous peoples can do better.

In line with this, we recommend the Expert Mechanism to review the accountability of the business corporations and financial institutions, and explore their roles in promoting business based on the priorities of indigenous peoples and addressing the gaps in accessing financial services for the further enjoyment of their rights, that should go beyond the CSR-model, “which is charity-guided, binding norms-free and corporate public image-focused” (paragraph 24).

Thank you.

Presented by:  
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On behalf of the Asia Caucus