



**SOUTH AFRICAN NATIONAL STATEMENT TO THE
EXPERT MECHANISM ON THE RIGHTS OF INDIGENOUS PEOPLES
TENTH SESSION**

11 JULY 2017,

GENEVA

Item 4: “Study and advice on good practices and challenges in business and in access to financial services by indigenous peoples”.

Check against delivery

Mr Chairperson,

My delegation wishes to thank the Experts on this insightful and thought provoking report. The report tackles an important subject on the access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities.

Indeed there are growing number of examples where indigenous businesses play a significant role in national economies and the report should also highlight the imperative need for indigenous people to participate meaningfully in the various sectors of the economy. Governments are encouraged to establish institutions dedicated to achieving this, further mainstreamed in every key area of service delivery (health, education, and agriculture and food security) and providing essential support to these groupings.

Indigenous knowledge must also be harnessed properly and patented correctly to the benefit of indigenous peoples. Similarly, the business activities and economic models of indigenous peoples must be viewed as an important component of national development. It would defeat the very essence of the UNDRIP particularly the core principle of Free, Prior and Informed Consent if Indigenous Peoples were not to become part and parcel of their development.

It is for this reason that the Right to Development remains an important framework and approach at all levels. It is the Right to Development that puts the human person at the centre of development, its main participant and beneficiary. To this end, South Africa supports the foundations of the activities of indigenous peoples which are predicated on benefiting current and future generations.

Even though it is stated in the report that businesses “constitute a powerful force capable of generating economic growth, reducing poverty and increasing the

demand for the rule of law, thereby contributing to the realisation of a broad spectrum of human rights”, our experiences with the indigenous peoples themselves points to the fact that the fundamental principle of FPIC is often not respected by business.

It is further of great concern that the single-handed focus on individualistic and big business models threaten the livelihoods of indigenous peoples. In the pursuit of maximum profits at all costs, they have undermined human rights standards and decimated ancestral lands and territories as well as natural resources of indigenous peoples. Of paramount concern is the fact that these entities are unregulated within the indigenous peoples' jurisdictions and regions. It is for these reasons and through the OEIGWG created through Resolution 26/9, that the UNHRC is undertaking to regulate in a uniform manner the operational activities of TNCs and Other Business Enterprises with respect to human rights. The envisaged legally binding instrument would thus provide legal protection, effective remedies and a range of other measures in the quest for maximum protection of victims.

I thank you